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1996-97 appendix



STATE DOCUMENTS COLLECTION

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# Governor's Executive Budget

PLEASE RETURN

Appendix

Fiscal Years 1996-1997

Governor Marc Racicot

State of Montana

MONTANA STATE LIBRARY



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## Legislative Auditor

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### AUTHORIZATION:

Article V, Section 10(4) of the 1972 Montana Constitution.

Mandates a legislative post-audit function.

Title 5, Chapter 13, MCA

The Legislative Audit Act governs the Office of the Legislative Auditor and establishes the goals and objectives of the post-audit function.

### GOALS AND OBJECTIVES:

Title 5, Chapter 13, MCA, governs the Office of the Legislative Auditor and establishes the goals and objectives of the post-audit function. The goals of the Office of the Legislative Auditor are to:

- Provide the state Legislature and state agency directors and program managers with independent information regarding whether state agencies:
  - Conduct only those activities and programs authorized by the legislature.
  - Conduct programs effectively and efficiently.
  - Make expenditures only in accordance with applicable laws and regulations.
  - Collect and account properly for all revenues and receipts.
  - Adequately safeguard and control assets.
- Provide whatever assistance may be requested by the Legislature, its committees and members.
- Make comments, recommendations, and suggestions for the improvement of state agency operations and activities.

### Performance Indicators:

- Completion of all audits in accordance with the applicable auditing standards issued by the American Institute of Certified Public Accountants and the General Accounting Office.
- Completion, within the biennium, of the financial, compliance, performance and EDP audits required by federal and state law. This includes 54 financial-compliance state agency audits each biennium, required performance audits and annual EDP audits of the state's central processing facility. These audits are completed within one year of the end of the fiscal year under audit (section 5-13-304, MCA).
- Completion and issuance of four performance audit reports and four electronic data processing audits established as priorities by the Legislative Audit Committee.
- Completion of an annual audit of the State of Montana General Purpose Financial Statements included in the Comprehensive Annual Financial Report (for fiscal years 1992-93 and 1993-94 and completed by December 31 of each year).
- Completion, on a biennial basis, of the federally required Single Audit Report (for fiscal years 1991-92 and 1992-93 and due within nine months of the end of the audit period - June 30, 1994).
- Completion, in a timely manner, of audit work requested by the Legislative Audit Committee.
- Implementation of at least 60 percent of the recommendations made in reports issued during the 1995 biennium.

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## Legislative Fiscal Analyst

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### AUTHORIZATION:

5-12-302, MCA

General duties of the Office of the Legislative Fiscal Analyst

5-18-107, MCA

Assistance to Revenue Oversight Committee

**GOALS AND OBJECTIVES:**

- Assist the legislature in the budget process. (1-MT)
  - Analyze the executive budget prior to each regular and special legislative session;
  - Provide staff assistance to the legislature during the appropriation process;
  - Maintain historical records of legislative appropriation action.
- During the 1995 biennium, the office prepared three volumes of budget analyses prior to the 1993 regular session and one special session, extensive working budget documents during the sessions, and three volumes of appropriation reports after these sessions.
- Estimate revenue from existing and proposed taxes. (1-MT)
  - Provide data and recommendations concerning revenue estimates to the Revenue Oversight Committee prior to each legislative session, in compliance with 5-18-107, MCA;
  - Provide staff assistance in the revenue estimating process during legislative sessions;
  - Monitor and report on revenue collections throughout the biennium.
- During the 1995 biennium, the legislative revenue estimates, as adopted during the 1993 regular session, were revised during a special session. LFA staff monitored revenues monthly and assisted the legislature in the revision process.
- Provide for the fiscal analysis of state government and make reports as requested by the Legislative Finance Committee and the legislature. (1-MT)
  - Prepare reports on important fiscal issues, enabling legislators to review and formulate legislative policy. During FY94, the office prepared over 40 such reports, which were widely distributed to legislators, state agencies, and the public.
- Assist legislative committees and individual legislators in compiling and analyzing financial information. (1-MT)
  - Provide assistance to legislative committees as assigned by law. During the current biennium, the office provided assistance to the Legislative Finance Committee, Revenue Oversight Committee, Joint Postsecondary Education Committee, the Senate Bill 378 Study Committee, and the Subcommittee on Appropriations Subcommittees.
  - Answer legislative requests for information on state fiscal issues. In FY94, the LFA responded to over 200 such requests.
- Review requested budget amendments and supplemental appropriations for compliance with statutory criteria. (1-MT)
  - During FY94, the office analyzed over 200 budget amendments and several supplemental appropriation transfers, and reported the conclusions to the Finance Committee for its review.

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**Legislative Council**


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**INTERIM STUDIES & CONFERENCE AUTHORIZATIONS:**

5-5-202, 5-5-211 - 5-5-217, MCA	Interim studies activities
5-11-301, MCA	Interstate cooperation activities
Title 2, Chapter 4, part 4, MCA	Administrative Code Committee
Title 5, Chapter 17, MCA	Capitol Building and Planning Committee
Title 5, Chapter 18, part 1, MCA	Revenue Oversight Committee
Title 5, Chapter 18, part 2, MCA	Coal Tax Oversight Subcommittee



**GOALS AND OBJECTIVES:**

The goals of the Interim Studies and Conferences Program are:

- To account for and pay legislator salaries, travel expenses, communications expenses, consultant costs, and other direct costs associated with the conduct of interim studies assigned under 5-5-211 and 5-5-217, MCA; (1 MT 5-11-112(4)(a))
- To account for and pay the cost of legislator participation in the activities of organizations promoting interstate cooperation; (1 MT 5-11-112(4)(a)) and
- To account for and pay the cost of other interim activities for which appropriations are made; (1 MT 5-11-112(4)(a))
- To support accomplishment of the duties assigned to interim joint subcommittees under 5-5-215, MCA, (1 MT 5-11-112(2)(c)) most importantly:
  - accumulation, compilation, analysis, and furnishing of information pertinent to important issues of policy and questions of statewide importance;
  - preparation of bills and resolutions for the next legislature; and
  - maintenance of accurate records of the subcommittee's activities and proceedings;
- To achieve the interstate cooperation goals established in 5-11-301, MCA, (2 MT 5-11-301) particularly:
  - to develop and maintain friendly contact with other states and levels of government;
  - to establish delegations to confer with similar delegations from other states; and
  - to advance cooperation with other units of government through suitable means; and
- To achieve the goals established by the authorizing legislation and committee action for other interim activities such as statutory and ad hoc committees the council is assigned to support. (1-MT)

**LEGISLATIVE COUNCIL AUTHORIZATION:**

Title 5, chapter 11, MCA

Legislative action each session

Title 1, chapter 11, parts 2 and 3, MCA

Legislative action each session

**GOALS AND OBJECTIVES:**

The goals of the Legislative Council Operations Program are:

- To support effective guidance of agency activities by the Legislative Council (2 MT 5-11-105);
- To provide the legislature with economical, high-quality services within the council's assigned areas of responsibility in accordance with the long-term requirements of the legislative institution (1 MT 5-11-105);
- To provide well-qualified, stable, permanent, objective, professional, and nonpartisan staff who provide effective and efficient services to the legislature in accordance with the general guidance of the Legislative Council and the statutes (1 MT 5-11-111);
- To maintain staff skills through training and information (3 Discretionary);
- To provide library reference services to the legislature, the council staff, and other legislative agencies and, to a limited degree, to other state agencies and individuals (1 MT 5-11-112);
- To provide limited research, legal analysis, and reference services in response to legislative requests, requests from sister states, and interstate agencies (2 MT 5-11-112; 5-11-301);
- To provide, in response to requests, information to the public about the legislature, statutes, and state government (2 MT Constitution: Art II, Sec 8; Art II, Sec 9; Art V, Sec 10);
- To draft bills for legislators and legislative committees (1 MT 5-11-112; Joint Rule 40-40);
- To support legislative needs as requested by the legislature through leadership, committees, and committee chairmen (1 MT 5-11-112);
- To provide research, legal, and organizational support to interim legislative committees up to the limits of staff availability (1 MT 5-11-111);
- To accomplish the duties assigned the Code Commissioner in 1-11-204, MCA, effectively and efficiently (1 MT 1-11-204);

- To review ballot issues in accordance with the requirements of 13-27-202, MCA (3 MT 13-27-202);
- To support the production, engrossing, and enrolling of bills and the production of journals, bill status reports, and publications indexes, using appropriate personnel and technologies to achieve the timely and accurate production of legislative documents and information (1 MT Joint Rules 10-120, 10-160, and 10-170 and 5-11-212);
- To publish and distribute the Montana Code Annotated statute text prior to October 1 following a regular legislative session (1 MT 1-11-204);
- To publish accurate updates to the Annotations to the Montana Code Annotated once each biennium (1 MT 1-11-204);
- To publish Montana Code Annotated publications in an attractive and useful format that is economical and acceptable to a majority of the subscribers (1 MT 1-11-204);
- To budget and account accurately for the costs associated with publishing and distributing the code statute text, annotations, and ancillary publications (2 MT 1-11-301);
- To recover all costs of producing the Montana Code Annotated and up to a maximum of 20% in addition to the costs (1 MT 1-11-301);
- To provide an automatic, electronic, accurate billing and inventory system for the Montana Code Annotated and ancillary publications and for other billable activities (3 Discretionary);
- To provide automated search services of the Montana Code Annotated data bases and production of camera-ready copy from those data bases on a cost-reimbursable basis (3 Discretionary);
- To support subscriptions to a newsletter that reports interim legislative activities, planned meetings, and other legislative news (3 Discretionary);
- To support the provision of copy services for the dissemination of copies of legislative information and miscellaneous other services at a price that reflects cost (3 Discretionary);
- To provide accounting, payroll, and purchasing services to the Legislative Council and the legislature and internal central service support (1 MT Joint Rule 10-100);
- To operate the Legislative Intern Program in such a way as to meet the requirements of Title 5, chapter 6, part 1, MCA (3-MT);
- To support staff accomplishment of assigned duties by providing adequate logistical support, which includes:
  - adequate office space and furnishings;
  - office equipment, supplies, and materials;
  - reference books, materials, and services;
  - communications support, including telephone, mail, and other media (3 Discretionary); and
- Plan, coordinate, install, operate, and maintain network file servers and selected related network services for the legislative branch (2 MT Title 5, Chapter 11, Part 4).

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## Environmental Quality Council

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### ENVIRONMENTAL QUALITY PROGRAM AUTHORIZATION:

Title 75, chapter 1, MCA 2-15-1018, MCA	Requires participation of an EQC staff person on the Natural Resource Information System Advisory Council
75-10-111, MCA	Requires review of solid waste management plans
75-20-221, MCA	Participation in proceedings under Major Facility Siting Act
85-2-105, MCA	Requires EQC staffing of Water Policy Committee
90-4-112, MCA	Requires EQC evaluation of renewable energy sources program within DNRC (inactive)
Various joint legislative resolutions	Directing completion of interim studies.

### GOALS AND OBJECTIVES:

Facilitate the implementation of the Montana Environmental Policy Act. (1-MT)

- To gather information concerning conditions and trends in the quality of the environment.

Assist the legislature in developing, revising, and evaluating natural resource and environmental policy. (1-MT)

- To draft legislation on natural resource related issues.
- To provide legislators with research on natural resource related issues.
- To staff natural resource standing committees and other standing committees at the request of the legislature.

Facilitate and advise state agencies in the implementation of the environmental review process required by MEPA. (1-MT)

- To conduct training programs and prepare and update a handbook and other information assisting agencies in implementing MEPA.
- To review each document submitted to the EQC under MEPA and provide constructive comments on those documents.
- To respond to agency requests for information on MEPA implementation.

Provide information, studies, and research to legislators, state agencies, and the public on environmental matters. (1-MT)

- To assist businesses and citizens in learning Montana's environmental regulations and permits.
- To mediate disputes among agencies, business, and citizen groups on natural resource issues.
- To provide a forum for discussion of environmental matters affecting citizens, industry, and state agencies.
- To respond to requests for information from the public and the legislature.

**WATER POLICY COMMITTEE AUTHORIZATION:**

85-2-105, MCA

## Water Policy Committee responsibilities

85-2-436, MCA

## Water leasing study

### GOALS AND OBJECTIVES:

### Assist Water Policy Committee (1-MT)

- To provide staff assistance to the Water Policy Committee as required in 85-2-105;
- To advise the legislature regarding the adequacy of the state's water policy and of important state, regional, national, and international developments relating to Montana's water resources;
- To oversee the policies and activities of the DNRC and other entities as they relate to water management;
- To analyze and comment on the state water plan, the water development program, water research, and water data management system;
- To conduct studies and investigations on water policy issues as requested by the legislature.

## Consumer Council

**AUTHORIZATION:**

Article XIII, Section 2 of the 1972  
Montana Constitution

Creates the office of Montana Consumer Counsel

Title 5, Chapter 15, MCA

**Legislature Consumer Committee and Consumer Counsel appointment and qualifications**

Title 69, Chapters 1-3, MCA

**Structure and organization of Public Service Commission, Consumer Committee, and Consumer Counsel; general regulatory provisions; regulation of utilities.**



## **GOALS AND OBJECTIVES:**

- Provide for representation of Montana consumers in utility and transportation proceedings before the Public Service Commission;
- Represent Montana consumers in appropriate proceedings before the Federal Energy Regulatory Commission, Interstate Commerce Commission, Federal Communications Commission, and other federal administrative agencies;
- Provide for representation of Montana consumers in appropriate state and federal court proceedings;
- Initiate complaint proceedings and lawsuits for Montana consumers in instances involving quality and cost of services of regulated entities before appropriate administrative agencies or courts; and
- Monitor proposed legislation and participate in the legislative process before the legislature and U.S. Congress for Montana consumers.

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## **Judiciary**

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### **SUPREME COURT OPERATIONS AUTHORIZATION:**

Article III, section 1; Article VII; and various other provisions of the Montana Constitution

Title 3, MCA, generally, and various statutory provisions throughout

### **GOALS AND OBJECTIVES:**

The primary goal of the Supreme Court is to process all matters that reach the court for determination with as little delay as possible. (MT1)

### **BOARDS AND COMMISSIONS AUTHORIZATION:**

Article VII, Section 11 of the 1972 MT Constitution

Title 3, Chapter 1, part 11, MCA

Title 46, Chapter 18, part 9, MCA

Article VII, section 2 of the 1972 MT Constitution

Title 3, Chapter 1, MCA

Title 37, Chapter 61, Part 1, MCA

Article VII, Section 8 of the 1972 MT Constitution

Title 3, Chapter 1, part 10, MCA

Article VII, Section 2 of the MT Constitution

Title 3, chapter 1, part 15, MCA, 3-10-203 and 3-11-204, MCA; various Supreme Court Orders.

Article VII, Section 2 of the MT Constitution

Title 37, Chapter 61, MCA

Supreme Court Orders dated January 5, 1965 and August 22, 1979



## **GOALS AND OBJECTIVES:**

There are several Supreme Court Boards and Commissions that have been established either by legislative or constitutional mandate. These boards and commission handle areas such as judicial discipline, rules, admission to the bar, and various other substantive issues aimed at improving and maintaining the administration of justice. (MT1)

### Judicial Standards Commission

The Montana Constitution mandates in Article VII, section 11, that the legislature shall create a Judicial Standards Commission to investigate complaints and make recommendations regarding the conduct of judicial officers.

This commission is attached to the Supreme Court for administrative purposes only and is independent of the court.

The major goal of the Judicial Standards Commission is to process complaints without delay while maintaining due process.

### Sentence Review Division

The three judge Sentence Review Division is required to review felony sentences imposed in the various judicial districts throughout the State of Montana. The division's goal is to provide for effective and uniform administration of the review of sentences imposed on convicted felons in the state. Upon application by an inmate, the Sentence Review Division may increase, decrease, or affirm a prisoners sentence.

### Board of Bar Examiners

The Board of Bar Examiners acts as an examining board to conduct and assist in conducting the examination of applicants for admission to the bar.

### Judicial Nominations Commission

The seven-member Judicial Nominations Commission is required to provide the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court or District Court and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the chief water judge.

The commission meets as necessary when a vacancy occurs or a term expires.

### Commission on Courts of Limited Jurisdiction

The commission is responsible for recommending to the Supreme Court rules of practice and procedure designed to improve and make uniform throughout the state the practices of courts of limited jurisdiction. In addition the commission organizes and oversees the training and certification of justices of the peace and city judges in the State of Montana.

The commission holds 6 to 10 meetings each year and conducts two annual training sessions for all elected and appointed justices of the peace and city judges.

### Commission on Practice

The commission is charged by the Supreme Court with the responsibility of reviewing the operation of the lawyer discipline system in the State of Montana and in investigating complaints filed against members of the State Bar of Montana. The commission conducts hearings and formal disciplinary proceedings, administers admonitions, and makes disciplinary recommendations to the Supreme Court.

## **LAW LIBRARY AUTHORIZATIONS:**

Title 22, Chapter 1, part 5, MCA

## **GOALS AND OBJECTIVES:**

### Collection:

- To select, acquire, and maintain resource materials consistent with the mission statement.
- To develop and promote a quality program of resource sharing and alternative access in order to serve

the needs of local and distant users, and to support cooperative collection development of libraries in general.

- To develop policies and procedures that will ensure the preservation and security of the library's collection.
- To review advertisements, consider patron requests, read book reviews, and monitor acquisitions lists on a continuing, regular basis.
- To consider duplicate copies for popular titles.
- To purchase in any media which is economical and user-friendly.
- To provide access to online databases in addition to, or in lieu of, hard copy when appropriate.
- To open and review all mail on the day of delivery.
- To check-in and verify new materials within five working days of receipt.
- To catalog new materials within three months of receipt.
- To continue the identification and cataloging of unclassified holdings by devoting 15% of technical services time to the project.
- To process new orders within one week of selection.
- To review by professional staff new material within one week of finish of processing.
- To shelve new materials within one day of review by professional staff.
- To notify interested patron within one day receipt of requested title.
- To claim missing issues and unreceived materials within five days of notice.
- To produce and disseminate catalogs of library's videotape and audiotape holdings quarterly.
- To produce catalogs of library's periodicals holdings semiannually.
- To post library's accession list monthly.
- To reshelve and refile used library materials three times per week.
- To file supplementary material within one month of receipt.
- To enforce library's policies and sanctions for defaced, overdue and unreturned materials:
  - Send out overdue reminders weekly.
  - After three overdue reminders notify Board of Trustees.
  - Require patron to replace missing material by ordering directly through publisher or producer.
  - Collect \$10 per day in overdue fines for unreturned videotapes.

#### Services:

- To promote understanding of the library's research capabilities and to encourage the use of resources and services.
- To teach legal bibliography and methods of legal research.
- To optimize access to materials and staff assistance.
- To facilitate access to materials other than those in the library's collection.
- To fill and send photocopy requests to patrons within 24 hours of receipt of request.
- To have circulation desk staffed continuously.
- To provide directional assistance.
- To answer simple reference requests within two hours.
- To answer extensive legal research questions within two days.
- To provide legislative histories within five working days.
- To have available a qualified online computer researcher during library office hours.
- To provide training for online legal research on demand.
- To participate in State Bar annual meeting and general practice seminars whenever possible.

#### Facilities:

- To provide space, equipment, and technology which will ensure operational efficiency, improve collection preservation, and respond to requirements for accessibility of users and staff.
- Maintain hours of operation which will permit access to the library at least two evenings and one weekend day each week.
- Report problems with the physical plant and lighting requirements within 1 day of notice.
- Monitor the cleaning of the building and insist on constant dusting of the book shelves.
- Work toward a total integrated network of the library's automated systems.
- Continue to offer dial-up access to computerized catalog.

#### Personnel:

- To encourage productivity of staff members.
- To facilitate open communication among staff members.
- To promote opportunities for professional growth and training.

- To retain sufficient number of qualified staff capable of meeting the needs of the library's users.
- To schedule and hold staff meetings monthly, with the agenda circulated in advance and the entire staff encouraged to add topics of concern for discussion.
- To attempt to settle such internal problems as miscommunication, tension, and misunderstanding immediately.
- To conduct regular and periodic performance appraisals based on the specific goals and objectives of the library and of the individual's department.
- Encourage staff members to join professional associations and attend such meetings and educational programs which will enhance their expertise in providing library services.

#### Finance:

- To solicit and secure financial support necessary for continuation and expansion of the library's resources and services.
- To administer the library's budget and promote optimum use of financial resources.
- To respond to requests for information from various state government financial agencies, such as the Legislative Auditor, the Legislative Fiscal Analyst, and the Office of Budget and Program Planning.
- Process for payment invoices within one week of receipt.
- Respond to requests from other government offices in a timely manner.
- Retain qualified accounting personnel.
- Continue use of automated spreadsheets for tracking book payments and inflation, value of the book collection, and general library expenditures.

#### Administration:

- To identify present and potential patrons and understand their legal information needs.
- To be responsive to both changes in the law and new areas of law.
- To plan and develop efficient and effective library systems.
- To provide leadership in the promotion, interpretation and support of, and cooperation between, all libraries.
- To advance the science of law librarianship in the most effective way.

### **DISTRICT COURT OPERATIONS AUTHORIZATIONS:**

Article VII, Section 4 of the 1972 MT Constitution

Title 3, chapter 5, MCA

#### **GOALS AND OBJECTIVES:**

The District Court Operations program provides partial funding for Montana's twenty Judicial Districts (twenty-one districts effective January 1, 1993).

The District Courts of the state are the general jurisdiction trial courts. They have original jurisdiction in all criminal cases amounting to felony and all civil matters and cases at law. Their goal is the speedy administration of justice consistent with the goal of due process of law. In addition, the District Courts have the goal of improving the administration of justice, facilitating disputes, and providing justice in accordance with the mandates of the Montana Constitution and statutory enactments of the Legislature. (MT1)

### **WATER COURTS SUPERVISION AUTHORIZATIONS:**

Article IX, Section 3 of the MT  
Constitution

Water Rights

3-7-101 et seq. MCA

Water Division & Water Judges

85-2-211 et seq. MCA

Adjudication of Water Rights

43 U.S.C. 666

The "McCarran Amendment"



**GOALS AND OBJECTIVES:**

To expedite and facilitate the general adjudication of approximately 215,000 pre July 1973 existing Montana water rights. The Court is also required to adjudicate pre July 1973 Indian and federal reserved water rights and post June 1973 federal reserved water rights.

- To continue adjudication of objections to the approximately 23,000 water rights claims (out of 96,000 claims decreed) that have been filed in the decrees for 45 basins (1-MT)
- To issue Temporary Preliminary Decrees in Basins 43D (Clarks Fork of Yellowstone, 2589 water right claims), 76HE (South End Subbasin of Bitterroot, 1605 claims), 411 (Missouri above Holter Dam, 5175 claims), and possibly 400 (Lower Milk River, 3395 claims) and begin the objection process. (2-MT)
- To begin judicial confirmation proceedings on the Fort Peck-Montana (85-20-201 MCA) and Northern Cheyenne-Montana (85-20-301 MCA) reserved water right compacts, assuming Congressional ratification is achieved. (3-MT & US)
  - Priorities set for goals 1 and 2 are based upon specific legislative mandates. In the Statement of Intent found in Ch. No. 651 L. 1987 (85-2-218), the 1987 Legislature established basin priorities and in 85-2-321 (2) MCA the Legislature established the Milk River as the highest priority in the adjudication. No legislative priority mandate has been set for goal 3.
  - With respect to goal 3, the United State Senate passed S. 1607 ratifying the Northern Cheyenne-Montana Compact on August 7, 1992. The current bill would authorize the rehabilitation and enlargement of the Tongue River Dam and allow the tribe to loan the State \$11.5 million toward the cost of rebuilding the dam. The total project cost is estimated to be \$52.5 million. The Water Court has requested \$8,890 for advertising and notification costs to begin judicial confirmation proceedings if the compacts are ratified. If the Water Court budget request is not approved or if the Court's overall budget is reduced, achievement of both goals 2 and 3 will not be possible. The legislature will then need to advise the Court on whether goal 3 should replace goal 2.

**CLERK OF COURT AUTHORIZATIONS:**

Article VII, Section 2 (3), Sections 3-2-402 to 404, and 37-61-211, MCA

**GOALS AND OBJECTIVES:**

The Clerk of the Supreme Court assists the Supreme Court, the legal community, and the public in processing appeals and original proceedings plus stores and maintains the official records of the Supreme Court and collects fees.

- Process all documents and collect all fees relative to Supreme Court appeals and petitions for various writs, including writs of supervisory control, habeas corpus, post-conviction relief, and mandamus. Custodian of all Supreme Court records. Case filings for 1991 totaled 636. (1-MT)
- Collection of the annual Attorney License Tax. Collected tax from over 2900 attorneys in 1992. (2-MT)
- Processing state bar admissions and collection of all relative fees. Over 150 certified applicants in 1992. (3-MT)

**DISTRICT COURT REIMBURSEMENT AUTHORIZATIONS:**

Title 3, Chapter 5, part 9, MCA

**GOALS AND OBJECTIVES:**

Created by the 1985 Legislature to expand state assumption of certain expenses associated with criminal proceedings in Montana's District Court. The program reimburses eligible expenses in the following five categories:

- a percentage of court reporter salaries;
- the cost of transcripts of eligible criminal proceedings;
- psychiatric examinations in criminal proceedings;
- witness and jury expenses of criminal proceedings; and
- indigent defense expenses of criminal proceedings.



The program receives its revenue from a portion of the motor vehicle license tax.

If, after all county reimbursements are made, there is appropriation authority remaining, the balance must be awarded to counties in the form of grants based on demonstrated expenditures above maximum mill levies in the county. (MT-1)

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## Chiropractic Legal Panel

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### AUTHORIZATIONS:

Title 27, Chapter 12, MCA

Governs the operation of the Montana Chiropractic Legal Panel, a state agency administratively attached to the Montana Supreme Court.

### GOALS AND OBJECTIVES:

The panel exists to achieve the following goals and objectives:

- to review all malpractice claims or potential claims against chiropractic physicians and their employees in order to prevent, if possible, filed court actions against chiropractic physicians for professional liability; and
- to make possible the fair and equitable disposition of such claims that are reasonably well founded. (1-MT)

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## Governor's Office

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### EXECUTIVE OFFICE AUTHORIZATION:

Executive Office of the Governor  
MT Constitution

Establishes the Governor as the chief executive officer of the state.

Article VI, Section  
42-15-103, MCA

Establishes policymaking authority and administrative powers of the Governor.

2-15-201, MCA

Establishes powers and duties of governor.

Governor's Office on Aging  
2-15-231, MCA

Governor's Office on Aging. Creates position of Coordinator of Aging and establishes Advisory Council on Aging.

52-3-201 thru 52-3-20, MCA

Montana Older Americans Act, designation of Area Agencies and State Office on Aging, on Aging, development of State Plan on Aging.

P.L. 89-73

Federal Older Americans Act. Calls for a State Agency on Aging, for the development of a State Plan on Aging, and specific guidelines for the development of Area Agencies on Aging and service delivery system.

Flathead Basin Commission  
75-7-301 thru 75-7-308, MCA

Flathead Basin Commission Act of 1983

2-15-213 thru 2-15-315, MCA

Establishment and Organization of Flathead Basin Commission and staff.

## GOALS AND OBJECTIVES:

Serve as the chief executive officer of the state. Formulate and administer the policies of the executive branch of state government, and to supervise, approve, and direct all executive branch departments. (1-MT)

### Governor's Office on Aging

To supervise the planning, coordination, and operation of programs within state government that affect senior citizens. Provide training, recognition, and leadership for those serving the elderly. Coordinate the activities of all state departments and encourage the cooperation of local, federal, and private sector efforts to produce a coordinated and comprehensive array of services for the elderly. (1-MT, 1-U.S.)

### Flathead Basin Commission

To protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead Basin. (1-MT)

- Monitor existing conditions of natural resources in the basin and coordinate development of an annual monitoring plan.
- Encourage close cooperation between federal, state, provincial, tribal, and local resource managers. Encourage international cooperation between Montana and British Columbia in natural resource monitoring and use of consistent standards for management of resource development activities in the Basin.
- Encourage economic development in the Basin without compromising the present high quality of the region's aquatic environment.
- Undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead Basin.
- Submit a biennial report to the Governor and the Legislature.
- To meet at least semi-annually within the Flathead Basin.

### Governor's Mansion

Maintenance of the mansion as the official residence of Montana's chief executive.

### Governor's Airplane

Operation of the Governor's assigned aircraft in a manner most cost-efficient for the state, but still insuring safe operation of the aircraft.

## OFFICE OF BUDGET AND PROGRAM PLANNING AUTHORIZATIONS:

17-1-131 to 17-1-132, MCA

General duties of the budget director are defined to include other duties as the chief budget officer of the state.

17-7-101 to 17-7-132, MCA

The Budget Act provides that the governor shall appoint a budget director who may employ such other personnel as necessary to carry out the provisions of the act. The act generally prescribes the form, content, and time lines for budget development and pay plan proposal and submission to the legislature.

17-7-301, MCA

Authority of the governor to allow, following review and examination of the budget director, expenditures in the first year of the biennium from authority provided for the second year of a biennium for an executive branch agency.

17-7-401 to 17-7-405, MCA

The budget amendment process to add additional spending authority in federal, proprietary and state special revenue funds gives the governor or his designated representative the certification approval for all agencies except the university system and judicial and legislative branch agencies.

5-12-401, MCA

Directs that all budget amendments shall be submitted through the budget director to the legislative finance committee.

2-18-204, MCA

Provides that the budget director determine the number of employees in each agency and gives the budget director the authority to amend the number of positions upon request of an agency.

15-24-1702, MCA

Directs that the office of budget and program planning consult about impacts to programs with a governing body considering suspending or canceling delinquent property taxes.

13-27-312, MCA

Directs the budget director to prepare fiscal notes for ballot issues.

5-4-201 to 5-4-206, MCA

Directs the budget director in cooperation with state and local agencies or officials to prepare fiscal notes on introduced bills having revenue, expenditure or fiscal liability impact on state or local government entities.

#### **GOALS AND OBJECTIVES:**

The Office of Budget and Program Planning is responsible for state fiscal planning and evaluation, appropriation control, personnel position control, and budget policy development, and implementation for the governor and state government.

- To respond quickly, competently, professionally and substantively to directives, initiatives, and research requests of the governor. (1-MT)
- To establish valid appropriations and provide policy guidance and state management memoranda to implement statutes and language governing appropriation authority. (1-MT)
- To start up the Statewide Budgeting and Accounting System and the Personnel/Payroll/Position Control System, tied to all appropriations bills and legislative intent at the beginning of each fiscal year. (1-MT)
- To oversee day-to-day management of appropriations and operating budget changes and to manage modifications to the authorized level of FTE (full time equivalent positions) for all state agencies. (1-MT)
- To improve, direct and oversee the budget development processes and to prepare, distribute and present the executive budget recommendations to the legislature. (1-MT)
- To provide expertise to legislative appropriation committees and to manage the fiscal note process for proposed legislation. (1-MT)
- To initiate policy and program directions and options for consideration within and among agencies, policy staff, legislators, special interest groups, and the general public. (1-MT)
- To participate in multi-agency management and policy groups and provide data and leadership related to budgets, revenue, and disbursements. (1-MT)
- To produce revenue and tax policy options for the governor's consideration, with thorough analysis of past trends and future impacts. (2-MT)
- To provide leadership for service efforts and accomplishments (SEA) measurement and reporting as related to executive budget recommendations and appropriations and to national standards. (2-MT)
- To review and approve the organizational structure of executive branch agencies. (3-MT)
- To maintain a clearinghouse for all federal funds received by the state and to coordinate agency input for the Single Audit. (3-MT)

#### **NORTHWEST REGIONAL POWER ACT AUTHORIZATION:**

P.L. 96-501

The Pacific Northwest Electric Power Planning and Conservation Act establishes the Council and sets guidelines for the regional power and fish and wildlife planning processes.



## GOALS AND OBJECTIVES:

Assure that the Pacific Northwest has an adequate supply of electricity at the lowest possible cost, including environmental externalities. (1-U.S.)

- Develop a twenty-year electric energy plan that will provide an adequate, efficient, and economical power supply. The Council is required to review the Energy Plan every five years. It is anticipated that analytical work will be undertaken to fulfill the statutory obligation of reviewing the Plan in 1996.

Protect, mitigate and enhance fish and wildlife that have been affected by hydroelectric development in the Columbia River Basin. (1-U.S.)

- Develop a program to protect and rebuild fish and wildlife populations that have been affected by hydroelectric development. The Council is expected to be modifying the fish and wildlife plan to accommodate the extensive changes necessary to ensure that runs of salmon stocks that are listed as threatened or endangered species under the Endangered Species Act begin to recover.

Ensure that the Council provides a forum for the participation and consultation of the Pacific Northwest States, local governments, consumers, users of the Columbia River System and the public at large within the region during the development of the Council's power and fish plans. (1-U.S.)

- Public involvement will focus on ensuring public input into the development of the new fish and wildlife and power plans. This will require extensive travel, allowing the public to have direct access with decision-makers.

## LIEUTENANT GOVERNOR AUTHORIZATION:

2-15-301, MCA

To create office of Lieutenant Governor.

2-15-302, MCA

General delineation of powers and duties of lieutenant governor.

## GOALS AND OBJECTIVES:

The Office of the Lieutenant Governor is responsible for performing the duties provided specifically by law, as well as those generally delegated to him by the governor (Article VI, Section 4, of the Montana Constitution). This office is responsible to serve as the liaison between state and local governments, provide support for gubernatorial appointments to boards, councils, and commissions, and serve as agricultural liaison between the executive and the Montana agricultural community.

- To perform those duties generally delegated by the Governor. These currently include: (1-MT)
- To chair and monitor, in a timely fashion, and call meetings of the Drought Relief emergency Council.
- To work with local governments to enhance understanding and cooperation between state and local governments.
- To support the gubernatorial appointments to boards, councils, and commissions.
- To function in whatever manner necessary to help in addressing the severe financial and educational crises in Montana.
- To perform all duties of the governor's office in the absence of the governor.

## CITIZENS' ADVOCATE GOALS AND OBJECTIVES:

- To resolve problems Montana citizens encounter in dealing with state government.
- To assist Montana citizens who are receiving state assistance such as food stamps, aid to families with dependent children (AFCD) and medicaid, and the Low Income Energy Assistance Program. The recipients on public assistance call the Citizens' Advocate office with questions or problems concerning eligibility or treatment they received from county Human Service offices statewide.



## MENTAL DISABILITIES BOARD OF VISITORS AUTHORIZATION:

53-20-101-165 MCA

Developmental Disabilities Act, 1975, requires active treatment and habilitation be individualized to persons with a developmental disability requiring institutional care. Establishes the Board as an independent board of inquiry and review to ensure that the treatment of all persons admitted to a residential facility is humane and decent and meets legal requirements.

53-21-101-198 MCA

Treatment of the Seriously Mentally Ill (Mental Commitment and Treatment Act of 1975) requires individualized treatment for persons with a mental illness. The Act requires the Board to employ and be responsible for full-time legal counsel at Montana State Hospital, whose responsibility shall be to act on behalf of all patients at the institutions. The board shall insure that there is sufficient legal staff and facilities to insure availability to all patients and shall require that the appointed counsel periodically interview every patient and examine his files and records.

PL 99-319

Mental Health Protection and Advocacy Act of 1986 requires investigation of abuse and neglect of mentally ill persons.

## GOALS AND OBJECTIVES:

- Review care and treatment of individuals at mental health facilities or residential facilities for developmentally disabled to assure active treatment and compliance with professionally accepted standards. (1-MT)
- Review and comment on any proposed plans for experimental research at facilities under the Board's purview. (1-MT)
  - Assist any patient at a facility in resolving rights related issues and/or grievances they may have regarding their commitment or treatment. (1-MT, 1-U.S.)
  - Provide legal counsel for the residents of Montana State Hospital. (1-MT, 1-U.S.)
  - Provide reports to the Governor's Office, the legislature and the Department of Institutions regarding the status of treatment services reviewed; an overview of rights related issues and complaints. (1 - MT)
  - Conduct on site reviews and make written reports of Eastmont Human Services Center, Montana Developmental Center, Montana State Hospital, Rivendell facilities and the Center for the Aged by fiscal year 1995. (1-MT)
  - Conduct on site reviews and make written reports of the five community mental health center regions by fiscal year 1994. (1-MT)
  - Assist, respond and resolve consumer requests for assistance, rights related issues and complaints within fifteen days of their receipt (all community mental health centers and state institutions for persons who are developmentally disabled and mentally ill). (1-MT, 1-U.S.)
  - Prepare written reports for the Governor's Office, the Director of the Department of Corrections and Human Services and the reviewed facility within ninety days of the on site review. (1-MT)
- Represent patients at Montana State Hospital at their initial appearance, ninety day, six month and yearly commitment hearings and other related court appearances during their institutionalization. (1-MT)
- Prepare monthly written reports for the Governor's Office and the Board members regarding the activities of the Helena and Legal Services offices. (1-MT)
- Prepare a written report for the 1995 legislature regarding the treatment and conditions of mental health and developmental disabilities facilities. (1-MT)
- Provide information and referral regarding services, rights and treatment issues at state institutions and community mental health services within three days of request. (Many of these requests come from the Citizen Advocate office and other state agencies.) (1-MT)

- Complete investigations of abuse and neglect allegations at Montana State Hospital within five days of the notification. (1-MT, 1-U.S.)
- Yearly interview every patient and examine his file and records at the state hospital. (Required by the state statutes, this has required implementation of a system to monitor voluntary admissions, and provide for the interview of these patients.) (1-MT)

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## Secretary of State's Office

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### Agency Summary

The Office of the Secretary of State was created by the 1889 Constitution, Art. VII § 1. The office was continued and currently exists under the 1972 Constitution, Art VI § 1. The office of the Secretary of State is part of the executive branch of the state government and is headed by an elected official, the Secretary of State.

### Mission and General Description

It is the mission of the Office of the Secretary of State to maintain a central filing point for business registrations, uniform commercial code financing statements, including agricultural products in accordance with the Federal Food Security Act of 1985, notary public registrations as well as provide efficient and cost effective records management services. The office serves as the central filing and publication source for the Administrative Rules of Montana and the Montana Administrative Register. The Secretary of State serves as Montana's chief election official and is responsible for the application, operation and interpretation of elections laws. The Secretary of State is also responsible for maintaining the official records of the executive branch and the acts of the legislature. All of the functions are essential for the operations of state government and for commercial transactions in Montana.

The internal structure of the office is administered by the Secretary of State through a chief deputy, chief counsel, an executive assistant, a central administration unit, business services, election services, administrative rules and records management. The Records Management bureau was added to the Secretary of State's office beginning with the 1992-93 biennium.

### GENERAL ADMINISTRATIVE AUTHORIZATIONS:

#### Art. VI, Section 2

The Governor, Lieutenant Governor, Secretary of State, Attorney General, Superintendent of Public Instruction and Auditor shall be elected by the qualified electors at a general election provided by law.

#### Art. VI, Section 4 Duties

The Secretary of State shall maintain official records of the executive branch and of the acts of the legislature, as provided by law. He shall keep the great seal of Montana and perform any other duties provided by law.

#### Art. X, Section 4

The Governor, Superintendent of Public Instruction, Auditor, Secretary of State and Attorney General constitute the Board of Land Commissioners.

#### 2-6-111, MCA

Custody and reproduction of records by secretary of state.

- (1) The Secretary of State is charged with the custody of:
  - (a) the enrolled copy of the constitution;
  - (b) all the acts and resolutions passed by the legislature;
  - (c) the journals of the legislature;
  - (d) the great seal;
  - (e) all books, records, parchments, maps and papers kept

or deposited in his office pursuant to law.

(2) All records included in subsection (1) may be kept and reproduced in accordance with rules adopted by the Secretary of State in consultation with the state records committee provided for in 2-15-1013.

(3) The Secretary of State shall prepare enlarged type or photographic copies of the records whenever their production is required by law.

(4) At least two copies shall be made of all records reproduced as provided for in subsection (2). The Secretary of State shall place one copy in a fireproof storage place and shall retain the other copy in his office with suitable equipment for displaying a record by projection to not less than its original size and for preparing, for persons entitled thereto, copies of the record.

5) All duplicates of all records shall be identified and indexed.

2-15-401 Duties of the Secretary of State. In addition to the duties prescribed by the constitution, it is the duty of the Secretary of State to:

(1) attend at every session of the legislature for the purpose of receiving bills and resolutions and to perform other duties as may be devolved upon him by resolution of the two houses or either of them;

(2) keep a register of and attest the official acts of the Governor, including all appointments made by him, with date of commission and names of appointees and predecessors;

(3) affix the great seal, with his attestation, to commissions, pardons, and other public instruments to which the official signature of the Governor is required;

(4) record in proper books all articles of incorporation filed in his office;

(5) take and file in his office receipts for all books distributed by him and direct the county clerk of each county to do the same;

(6) certify to the Governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the Governor;

(7) furnish to any person paying the fees therefor, a certified copy of all or any part of any law, record or other instrument filed, deposited or recorded in his office;

(8) keep a fee book in which must be entered all fees, commissions, and compensation of whatever nature or kind by him earned, collected or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case, which book must be verified annually by his affidavit entered therein;

(9) file in his office descriptions of seals in use by the different state officials.

(10) discharge the duties of member of the board of examiners and of the board of land commissioners and all other duties required of him by law;

(11) register marks as provided in Title 30, chapter 13, part 3;

(12) report annually to the legislative council all Watercourse name changes received pursuant to 85-2-134 for publication in the Laws of Montana;



(13) keep a register all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application.

2-15-402

#### Appointment of Deputies

- (1) The Secretary of State shall appoint a chief deputy and a deputy who in the absence of the principal shall perform all the duties of office. In the case of a vacancy in the office of Secretary of State, the chief deputy shall perform all the duties of the office until such disability be removed or vacancy filled.
- (2) Such deputies shall subscribe, take and file the oath of office provided by law for other state officers before entering upon the performance of their duties.

#### Agency Organization

The programs and functions of the Office of the Secretary of State are carried out through the following major organizational components.

##### Central Administration Unit:

Staff is responsible for the oversight and management of fiscal and personnel systems as well as providing accounting, payroll and clerical functions to the agency. Within the variety of accounting duties, staff are responsible for maintaining the Pre-Paid Deposit System, a special service offered by the agency to customers. The agency generates thousands of dollars in interest for the state from funds paid by users of the system.

##### Business Services Bureau:

The bureau currently has more than 400,000 corporations, limited liability companies, assumed business names, limited partnerships and trademarks filed. Each year the office takes in more than 100,000 pages of new information to file into existing records. Staff is responsible for the examination and filing of records relating to corporations, limited partnerships, trademarks, assumed business names, uniform commercial code and centralized filings and access system for security agreements covering agricultural products and property. The Bureau has the statutory responsibility to review for legal compliance 75,000 uniform commercial code documents and record all financing and continuation statements within one working day of receipt. The number of documents received for filing has been increasing by over 15% each year making it extremely difficult to ensure compliance with the one day requirement.

The bureau responds to over 50,000 requests per year for corporation and UCC information, name searches and document copies. It provides monthly reports on liens against farm products to 250 agricultural buyers in compliance with P.L. 99-198. The bureau also manages name disputes and provides general business information for the public.

##### Elections Bureau:

Elections Bureau staff administer state election law as it applies to district, state and federal candidates and ballot issues, and provides information and training about election law to election administrators, the public, candidates, officeholders and the press.

Within the bureau, legislative section staff receive and assign chapter law numbers to legislation, prepares the legislative roster and assists in calling the state House to order, polls the legislature on post-session vetoes and calls for a special session, files copyrights on MCA's and the MCA Annotations, and receives the legislative journals and bills.

The Records and Archives section administers the law dealing with executive acts of the governor and other state agencies. These activities include commissioning notaries public; issuing extradition papers; conducting service of process; commissioning board and advisory council members, and filing proclamations, orders and other executive acts. The section also maintains the archival record of all executive acts, miscellaneous public documents, election records and legislative acts.



#### Administrative Rules Bureau:

The Administrative Rules Bureau is responsible for the maintenance of the official record of Administrative Rules for the state of Montana and for ensuring that agencies promulgating Administrative Rules comply with the Montana Administrative Procedure Act. ARM is responsible for printing and distribution of the Administrative Rules and the Montana Administrative Register.

The duties include the following procedures:

- ARM supervises state agencies submitting draft Administrative Rules for publication and distribution to the Administrative Code Committee.
- ARM compiles, publishes, distributes and maintains the "Montana Administrative Register" (MAR). The MAR is published twice-monthly and is provided to subscribers in both the public and private sector.
- ARM compiles, publishes, distributes, and maintains the ARM. The ARM are published quarterly and are provided to both public agencies and private individuals.
- ARM provides research services and general information to public agencies and private individuals concerning ARM, MAR, Attorney General's Opinions and state Declaratory Rulings.
- ARM develops and maintains a cross reference between the Montana Code Annotated and Administrative Rules of Montana.

#### Records Management Bureau

Staff is responsible for providing two fundamental records management functions.

- The bureau serves as the cornerstone as the state records coordinator. This role was established to create and effective records management program for executive branch agencies of the state of Montana by establishing guidelines and procedures for the efficient and economical control of the creation, utilization, maintenance and preservation of state records. In this role staff provide counseling to public bodies to ensure efficient and cost effective records controls and usage.
- The bureau in its role as the state records centers provides storage and microfilm services. The Bureau bills and collects for services provided and a cost recovery basis. In this capacity staff assist in the utilization of all available records management tools.

#### SUMMARY TABLE OF SECRETARY OF STATE PROGRAM AUTHORIZATIONS

The following are either references to Articles in the Montana Constitution or to references to Montana Codes.

#### Authorization:

Article V, Section 14	Final Reapportionment Plan
Article VI, Section 4	Maintain Great Seal
Article VI, Section 4	Executive Record
Article VI, Section 10	Delivery of Bills
1-5-405, MCA	Notary Bond Approval
1-5-409, MCA	Notary Requirements
1-11-304, MCA	Miscellaneous Records
1-11-302, MCA	Miscellaneous Records
2-4-302, MCA	Rule Change Notification
2-4-306, MCA	Submission of Adopted Rules
2-4-311, MCA	ARM Procedures
2-4-312, MCA	Publish Register of ARM

2-4-313, MCA	Required Distribution of ARM
2-6-103, MCA	Receipt & Recording Bond
2-6-103, MCA	Filing & Copying Fees
2-6-103, MCA	Service of Process
2-6-103, MCA	Attach Great Seal to Records
2-6-106, MCA	Provide Information
2-6-111, MCA	Provide Information
2-6-206, MCA	Protection of Essential Records
2-6-201 to 207, MCA	Public Records Management
2-6-211, MCA	Public Records Management
2-15-122, MCA	Executive Record
2-15-401, MCA	Attach Great Seal to Records
2-15-401, MCA	Provide Information
2-15-401, MCA	Certify Votes
2-15-401, MCA	Executive Record
2-16-204, MCA	Executive Record
2-16-502, MCA	Resignations of Officeholders
2-16-615, MCA	State/District Official Recall Petitions
2-16-620, MCA	Filing Petition Recall Notification
2-16-621, MCA	Filing Petition Recall Notification
2-16-622, MCA	Conduct of Recall Election
2-16-624, MCA	Conduct of Recall Election
2-60-103, MCA	Miscellaneous Records
3-1-202, MCA	File Supreme Court Seal
3-1-203, MCA	File District Court Seal
3-5-201, MCA	Executive Record
5-1-111, MCA	Final Reapportionment Plan
5-2-211, MCA	Certified Legislative Rosters
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5-2-212, MCA	Certified Legislative Rosters

5-2-213, MCA	Certified Legislative Rosters
5-2-402, MCA	Legislative Vacancies
5-2-406, MCA	Legislative Vacancies
5-3-105, MCA	Poll for Special Session
5-3-108, MCA	Poll for Special Session
5-3-307, MCA	Delivery of Bills
5-4-302, MCA	Delivery of Bills
5-5-303, MCA	Executive Record
5-11-204, MCA	New Law Chapter Numbers
7-11-107, MCA	Miscellaneous Records
7-13-2214, MCA	County Water/Sewer District Filing
7-13-2509(2), MCA	Television District Filing
7-13-2509, MCA	Miscellaneous Records
7-15-2107,et seq, MCA	Housing Authorities
10-3-1107, MCA	Miscellaneous Records
13-1-121, MCA	Constitutional Convention
13-1-201, MCA	Chief Election Officer
13-1-202, MCA	Forms & Rules of Election Officer
13-1-202, MCA	Provide Information
13-1-203, MCA	Chief Election Officer Resp.
13-1-204, MCA	Provide Information
13-1-204, MCA	Election Records
13-1-303, MCA	Retention/Destruction Election Records
13-2-112, MCA	Register of Electors
13-2-114, MCA	Elector Registration Numbers
13-2-116, MCA	Precinct Register
13-2-203, MCA	Registration by Mail
13-2-212, MCA	Registration of Electors in US Service
13-2-301, MCA	Close of Registration
13-2-401, MCA	Cancellation of Registration

13-2-515, MCA	Previous Registration Inquiry
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13-3-203, MCA	Election Rulemaking
13-3-205, MCA	Polling Place Accessibility Standards
13-3-207, MCA	Polling Place Classifications
13-3-211, MCA	Emergency Exemption
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13-4-203, MCA	Instruction of Election Judges
13-10-201, MCA	Declaration for Nomination
13-10-204, MCA	Write-in Nominations
13-10-205, MCA	Register of Candidates
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13-10-209, MCA	Arrangement of Ballots
13-10-211, MCA	Declaration of Intent (Write-in)
13-10-303, MCA	Nominations by More Than One Party
13-10-404, MCA	Nomination Petition
13-10-405, MCA	Petition Submission and Verification
13-10-501, MCA	Petition Nomination Independent
13-10-502, MCA	Signature Requirements for Petition
13-10-504, MCA	Ind./Minor Party President Candidate
13-10-601, MCA	Parties Eligible for Primary Election
13-12-101, MCA	Election Laws to be Furnished
13-12-101, MCA	Provide Information
13-12-201, MCA	Ballot Certification
13-12-202, MCA	Ballot Form and Uniformity
13-12-207, MCA	Order of Placement
13-13-114, MCA	Marking Precinct Register
13-13-204, MCA	Authority to Vote In Person
13-13-214, MCA	Mailing Ballot to Elector
13-14-112, MCA	Declarations for Nomination-Fee



13-14-113, MCA	Register of Candidates
13-14-211, MCA	Judicial Offices Separate Entities
13-14-213, MCA	Judicial Office Form of Ballot
13-15-111, MCA	Write-in Elections
13-15-204, MCA	Signing & Certifying Pollbook
13-15-501, MCA	Certification of Canvass
13-15-502, MCA	Composition & Meeting Bd. of Canvassers
13-15-503, MCA	Notification of Returns Not Received
13-15-504, MCA	Governor to Issue Commissions
13-15-505, MCA	Canvass to Public
13-15-506, MCA	Report of the Canvass
13-16-201, MCA	Conditions for Recount
13-16-203, MCA	Recount for Tie Votes
13-16-204, MCA	Meeting of Recount Board
13-16-205, MCA	Expenses to Recount
13-16-418, MCA	Procedure After Recount
13-16-419, MCA	Recount by Board of State Canvassers
13-16-502, MCA	Tie Vote for U.S. Congress
13-16-503, MCA	Tie Vote for Supreme Court Justice
13-16-504, MCA	Tie Vote for State Executive Offices
13-17-101, MCA	Approval of Voting Machines
13-17-102, MCA	Use of Qualifies Technicians & Advisers
13-17-105, MCA	Experimental Use of Voting Machines
13-17-107, MCA	Rules for Use of Voting Machines
13-17-206, MCA	Arrangement of Machine Ballot
13-17-306, MCA	Use of Paper Ballots
13-19-105, MCA	Role of Secretary of State
13-19-205, MCA	Written Plan for Conduct of Election
13-19-305, MCA	Replacement Ballots
13-25-101, MCA	Nomination of Electors

13-25-102, MCA	Election of Electors
13-25-103, MCA	List of Electors Elected
13-25-106, MCA	Compensation of Electors
13-26-105, MCA	Ballot Form
13-26-109, MCA	Certificate of Result
13-27-104, MCA	Time for Filing
13-27-105, MCA	Effective Date Initiative/Referendum
13-27-202, MCA	Recommendations
13-27-203, MCA	Numbering of Petitions
13-27-301, MCA	Submission of Petition Sheets
13-27-306, MCA	Challenge to Signatures
13-27-307, MCA	Review/Tabulation of Signatures
13-27-308, MCA	Certification of Petition
13-27-310, MCA	Transmittal of Issues
13-27-311, MCA	Publication of Prop. Con. Amend.
13-27-316, MCA	Court Review of A.G. Statements
13-27-401, MCA	Vote Information Pamphlet
13-27-402, MCA	Preparation of Pros/Cons
13-27-403, MCA	Appointment to Committees(13-27-402)
13-27-405, MCA	Committee Expenses
13-27-406, MCA	Length Limitation on Arguments
13-27-407, MCA	Rebuttal Arguments
13-27-408, MCA	Rejection of Improper Arguments
13-27-410, MCA	Distribution of Voter Inf. Pamphlet
13-27-501, MCA	Certification of Ballot Form
13-27-502, MCA	County Ballot Preparation
13-27-503, MCA	Determination of Election Result
13-27-504, MCA	Provide Information
13-27-504, MCA	Copy of Approved Issues to Leg. Council
13-37-126, MCA	Name Should Not Be On Ballot

13-37-305, MCA	Political Party Disbursement of Funds
13-38-104, MCA	Party Rules to Be Filed
15-31-523,524, MCA	Suspensions & Forfeiture Delinquency
15-31-603, MCA	Lists of Corporations
20-7-604, MCA	Textbook Dealer Licensing
25-13-506, MCA	Judgement Security Agreements
30-9, MCA	Uniform Commercial Code
30-13-201,et seq, MCA	Assumed Business Names
30-13-301,et seq, MCA	Trademarks
32-1-305, MCA	Articles of Agreement/Incorporation
35-1-101, MCA	Articles of Incorporation
35-1-201,et seq, MCA	Filing Articles of Incorporation
35-1-301,et seq, MCA	Reserving Corporate Name
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35-1-310, MCA	Contest of Registration Name
35-1-930, MCA	Process or Demand After Dissolution
35-1-1001,et seq, MCA	Certificate of Authority
35-1-1013, MCA	Name of Registered Agents
35-1-1019, MCA	Revocation Certificate of Authority
35-1-1201, MCA	Miscellaneous Records
35-1-1201, MCA	Service of Process
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35-1-1204, MCA	Fees Articles of Incorporation
35-1-1205, MCA	License Fees for Foreign Corporations
35-1-1301, MCA	Powers & Authority of Secretary
35-1-1302, MCA	Notification of Authority Expiration
35-1-1303, MCA	Format for Forms
35-1-1304, MCA	Notification Secretary's Non Approval
35-1-1305,1306, MCA	Certification of Documents



35-2-2-1,et seq, MCA	Filing Articles of Incorporation
35-2-102, MCA	Articles of Incorporation
35-2-201, MCA	Filing by Business Trusts
35-2-301,et seq, MCA	Reserving Corporate Name
35-2-303, MCA	Name of Registered Agents
35-2-801,et seq, MCA	Certificate of Authority
35-2-812, MCA	Name of Registered Agents
35-2-1001, MCA	Revocation Certificate of Authority
35-2-1001, MCA	Miscellaneous Records
35-2-1001, MCA	Service of Process
35-2-1101, MCA	Powers & Authority of Secretary
35-2-1102, MCA	Format for Forms
35-2-1103, MCA	Filing by Business Trusts
35-2-1104,1105, MCA	Certification of Documents
35-2-1106, MCA	Notification of Authority Expiration
35-2-1201, MCA	Reinstatement of Corporations
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35-6-104, MCA	List of Defaulting Corporations
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35-12-506, MCA	Reserve Name for Limited Partnerships
35-12-521, MCA	Fees of Limited Partnership Documents
35-12-601 et seq, MCA	Certificate of Limited Partnership
35-12-1302 et seq, MCA	Foreign Limited Partnerships
35-15-201 et seq, MCA	Cooperative Associations
35-16-204, MCA	Agricultural Associations
35-17-202 et seq, MCA	Coop. Agricultural Marketing Assoc.
35-18-203 et seq, MCA	Rural Coop. Utilities Associations

35-18-401 et seq, MCA	Rural Coop. Util. Assoc. Changes
35-18-501 et seq, MCA	Rural Coop. Utilities Filing Fees
35-20-103, MCA	Cemetery Associations
35-21-201, MCA	Mausoleum & Columbarium Authorities
46-30-301, MCA	App. for Issuance of Requisition
61-12-303, MCA	Motor Club Service Companies
69-14-501, MCA	Railroad Corporations
71-3, MCA	Liens
76-15-213 et seq, MCA	Conservation Districts
76-16-204 et seq, MCA	Grazing Districts
80-4-406, MCA	NonResident Grain Lic. & Regulations
80-8-210, MCA	Non Resident Pesticide License
80-11-417, MCA	Non Resident Mint Oil Purchaser
82-1-104, MCA	Filing for Seismic Activities
82-1-105, MCA	Exploration Permit
85-6-108, MCA	Water User Associations

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### Commissioner of Political Practices

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#### AUTHORIZATIONS:

Title 13, Chapter 35, MCA	Election and campaign practices
Title 13, Chapter 36, MCA	Contests
Title 13, Chapter 37, MCA	Control of campaign finance and practices
Title 5, Chapter 7, MCA	Lobbying and business disclosure by elected officials

#### GOALS AND OBJECTIVES:

To review and check for accuracy, in a timely manner, all documents required to be filed with the office by candidates, political committees, lobbyists, employers of lobbyists, and elected officials or officials-elect. (1-MT)

- To review and check documents within ten days of their receipt.
- To enter data from 10,000 to 15,000 pages of documents into computers as quickly as possible.

To investigate promptly and thoroughly all legitimate complaints of alleged violations of campaign finance, practice, and lobbying laws. (2-MT)

To prepare biennially a report of campaign finance activity and otherwise to disseminate information concerning campaign finance, lobbying activities, actions of the commissioner, and other matters deemed important and useful. (3-MT)

- To publish no later than early spring of odd-numbered years a compilation of the campaign receipts and expenditures for state district and statewide candidates, statewide ballot issue committees, and political action committees for the most recent election cycle.
- To issue news releases as appropriate concerning information and complaints filed with the office and actions taken by the commissioner.

To prepare a report for the governor and the legislature at the close of each fiscal year. (3 MT)

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## State Auditor's Office

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### AUTHORIZATIONS:

Article 6, Constitution of Montana

MCA Title 2, Chapter 16

Public Officers

MCA Title 17

State Finance

17-1-121

General Fiscal Duties of State Auditor

17-1-122

Discretionary Duties of State Auditor

17-1-123

Access to Offices

MCA Title 17

Federal Assistance Management

17-3-211

Forest Reserve Money

17-3-212

Apportionment to Counties

17-3-213

Allocation

MCA Title 19

Police Retirement

part 7

Employer and State Contributions

part 10

Benefits in General

Chapter 10

Management of Police Retirement

Chapter 11

Firefighter's Retirement

Law Enforcement

MCA Title 44

Criminal Justice Information

Chapter 5

### CENTRAL MANAGEMENT AUTHORIZATIONS:

Article 6

Constitution of Montana

MCA Title 2, Chapter 16

Public officers

MCA Title 17

State finance

17-1-21, MCA

General fiscal duties of state auditor

17-1-122, MCA

Discretionary duties of state auditor

17-1-23, MCA

Access to offices

MCA Title 17

Federal Assistance Management

17-3-211, MCA

Forest Reserve money

17-3-212, MCA

Apportionment to counties

17-3-213, MCA

Allocation

MCA Title 19

Police retirement



Part 7	Employer and state contributions
Part 10	Benefits in general
Chapter 10	Management of police retirement funds
Chapter 11	Firefighters' retirement
MCA Title 44	Law enforcement
Chapter 5	Criminal Justice information

#### GOALS AND OBJECTIVES:

- Provide continuing service to the State Auditor's Office in legal, financial system support, and document processing areas. (1-MT)
- Provide legal support to protect the insurance and securities providers and consumers in the state of Montana. (1-MT)
- Define and implement automated systems to allow information access and accurate reporting and projection. (2-MT)
- Continue with revision of internal policy, control and accounting to allow continued effective office operations. (2-MT)

#### INSURANCE AUTHORIZATIONS:

Article 6	Constitution of Montana
Title 2 Chapter 16, MCA	Public officers
Title 17, MCA	General duties of the state auditor
Title 33, MCA	Insurance and insurance companies
Title 44 Chapter 5	Criminal justice information

#### GOALS AND OBJECTIVES:

- To handle inquiries and complaints, which in many cases requires the determination of facts and review of the insurance code. (3-MT)
- To investigate suspected incidents of producer or company fraud, abuse or code violation, involving more complex circumstances. (3-MT)
- To prepare legal administrative actions on complaints and investigations. This involves the organization and formatting of documents and review of the applicable law. (3-MT)
- To provide consumer education to the Montana insurance public, which includes preparing buyers guides, writing speeches and answering questions by the public. (2-MT)
- To monitor the marketplace to identify events or trends that pose a threat to consumers.
- Specifically monitor insurers and producers to ensure that they are complying with Title 33 of the Montana Code Annotated. (MT)
- To streamline complaint data entry so that integrity of the data can be maintained and published. (3-MT)
- To review and authorize new insurance companies, ensuring that they have the statutory minimum requirements in capital and surplus, the proper management and claims paying people and that the company's rates and forms filing is in order. (1-MT)
- To examine domestic insurers every three years and foreign insurers as often as necessary.
- To conduct desk audits of the annual statements of all domestic insurers. (1-MT)
- Receipting and recording of premium taxes, retaliatory taxes, company fees and permits, firemen's pension tax, fire marshall tax and genetics program fee. (1-MT)
- Review of reinsurance agreements, domestic stock and domestic mutual companies, farm mutuals, fraternal benefit societies, premium finance companies, third party administrators, consultants, purchasing groups and risk retention groups. (3-MT)

- To review and approve forms and endorsement filings, prior to their use in Montana. To also ensure that rate filings are filed together with supporting data. (2-MT)
- To ensure that Medicare supplement insurers will comply with minimum requirements for loss ratios, pursuant to the Department's pending legislation and regulations, which are designed to bring the state into compliance with OBRA 90. (1 - US and MT)
- To license resident and non-resident insurance producers, vending machines, motor club representatives and adjusters and ensure that the applicant meets the insurance code qualifications and is of sound moral character. (1-MT)
- To ensure that pre-licensing and testing of insurance producer applicants is conducted pursuant to Montana laws and rules. (3-MT)
- To receipt and record resident and non-resident, surplus lines and adjuster fees and other permits. (1-MT)
- To record letters of appointment and termination and issue letters of clearance, certification and retaliatory agreement. (2-MT)
- To protect consumers and improve the professionalism of insurance producers and consultants through a continuing education program. Provide continuing education course certification and insurance that producers and consultants meet their continuing education requirements. (1-MT)
- To inspire fair dealing in the auto glass market by insurance companies. (1-MT)

#### SECURITIES AUTHORIZATIONS:

30-10-201, MCA	Registration of persons and firms
30-10-209, MCA	Fee collection
30-10-202, MCA	Registration of security issues required
30-10-203, MCA	Registration of security issues by notification
30-10-204, MCA	Registration of security issues by coordination
30-10-205, MCA	Registration of security issues by qualification
30-10-206, MCA	Security issues registration in general
30-10-209, MCA	Fee collection
30-10-304, MCA	Investigative discretionary Authority

#### GOALS AND OBJECTIVES:

- Protect investors and persons engaged in securities transactions.
  - Conduct civil and criminal investigations into cases of suspected securities fraud and registration violations, make determinations on the administrative level, refer criminal cases to county attorneys for criminal prosecution and cooperate with state and federal law enforcement and regulatory agencies. (3-MT)
- Encourage capital formation.
  - Administer the process of securities registration for small business. Counsel small businessperson and entrepreneurs on the most practical methods to comply with securities registration requirements. (1-MT)
- Regulate the securities broker-dealer and investment adviser industries.
  - Conduct examinations of regulated entities to ensure compliance with rules and statutes.
  - Investigate consumer complaints arising from securities transactions. (2-MT)
- Review securities registration applications for conformity with rules, statutes, and policies.
  - Review 7,500 issuer applications annually to permit issuers to offer over \$1 trillion in securities in Montana. (1-MT)
- Register securities broker-dealers, salespersons, investment adviser and investment adviser representatives.
  - Annually review new and renewal applications of 800 broker-dealers, 17,000 salespersons, 200 investment advisers and 500 investment adviser representatives. (2-MT)

## **FISCAL CONTROL AND MANAGEMENT AUTHORIZATIONS:**

Article 6	Constitution of Montana
MCA Title 2, Chapter 16	Public officers
MCA Title 17	Duties of the state auditor
MCA Title 17, Chapter 4	Debt Collection
MCA Title 17, Chapter 8, Part 3	Warrants

## **GOALS AND OBJECTIVES:**

- To ensure that warrants are processed rapidly, accurately and fully accounted for. (1-MT)
  - To process 1.8 million warrants worth 1.7 billion dollars.
- To reduce the collection fee, charged to the agencies, to the lowest cost possible and still provide a total collection effort. (1-MT)
  - To collect an estimated 1.8 million dollars per fiscal year or approximately \$8.50 for every dollar expended.
- To refine the cost allocation plan that funds the Warrant Writing System to promote use of less expensive payment alternatives. (2-MT)
- To provide mail service for the State Auditor's Office. (3-MT)
- To continue to develop specific enhancements to the Warrant Writer System that will allow the warrant Writing System to address agencies' future needs. (3-MT)
- Convert base funding for the Warrant Writing System to internal service funding. Agencies will be charged for only those services actually used.
- Bad Debts Division is funded through charges associated with collecting bad debts and is a proprietary account.

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## **Office of Public Instruction**

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### **AUTHORIZATION:**

10.44.101 through 107, ARM	State administrative requirements Vo-Ed
10.44.201, ARM	General requirements Vo-Ed
10.44.202 through 210, ARM	Special requirements for Vo-Ed programs
10.55.109, ARM	Accreditation standard prohibiting discrimination by any district
10.55.802, ARM	Accreditation standards - opportunity and educational equity
10.55.803(b), (c) and (h), ARM	Accreditation standards - learner access Native American needs, cultural differences, special needs.
10.55.1601(g), ARM	Accreditation standards - nurture understanding of Native American cultures.
10.66.101 - 10.66.106 ARM	Regulations/rules established for GED Testing Program in Montana and authority for issuance of high school equivalency certificates.
13.118	Catalog of Federal Domestic Assistance



20 CFR 32	Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance.
20 CFR 626	Introduction to regulations Under the Job Training Partnership Act
20 CFR 627	State responsibilities under the Job Training Partnership Act
20 CFR 629	General provisions governing programs under Titles I, II, and III of the Job Training Partnership Act
20 CFR 630	Programs under Title II of the Job Training Partnership Act
20 CFR 634-684	Implementing regulations for programs under JTPA
26 CFR	Implementing regulations for the Targeted Jobs Tax Credit of the Internal Revenue Code
29 CFR 31	Equal Opportunity in Employment in programs and activities receiving or benefiting from federal financial assistance
29 CFR 32	Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance
34 CFR 74 through 79	Education Department General Administrative Regulations
34 CFR 76, 77, and 298	Federal, State and Local Partnership for Educational Improvement
34 CFR 80, 81 and 85	Education Department General Administrative Regulations, (EDGAR) Administrative responsibilities of Grantee
34 CFR 81	General Education Provisions Act - Enforcement; Notice of Proposed Rule making
34 CFR 104	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
34 CFR 200 & 204, 201, 203, 116B Chapter 1	Program for Local Educational Agencies, Migrant Children, Neglected and Delinquent Children, State-operated Programs for Handicapped Children
34 CFR 300	Assistance to States for Education of Children
34 CFR 401.19	Assurances of coordination with programs under the Job Training Partnership Act
34 CFR 401 & 407-412, & 414-417	Federal Vo-Ed Regulations
34 CFR Part 425, et al. Part VIII 40 CFR 763	Asbestos in Schools
40 CFR 702 through 799	Toxic Substance. Federal Asbestos Regulations for Schools
75.2-75.217 CFR	State Educational Agency Desegregation Program

CFR Part A 548.1-548.4	Bilingual Education: State Educational agency Program
2-18-104 MCA	Authorizes the Superintendent up to 15 personal staff
17-1-102 MCA	Uniform Accounting System and Expenditure Control
17-2-103 MCA	Segregation of Moneys
17-3-111 MCA	Indirect Cost Rates
17-7-111 MCA	Agency Program Budgets
20-2-121	Board of Public Education-rules (#10)
20-3-103 MCA	Authorizes the Superintendent to employ a Deputy Superintendent
20-3-104 MCA	Authorizes the Superintendent to employ one or more Assistant Superintendents plus "any other supervisors or assistants to carry out the duties of his office."
20-3-105 (5) MCA	Powers and Duties of the State Superintendent--Preserve all books, educational media... and any other articles of educational interest...
20-3-106 MCA (through 124)	Supervisor of Schools--Powers and Duties. Collect and maintain a file of curriculum guides and assist schools with instructional programs
20-3-107 MCA	Controversy appeals
20-3-108 MCA	Division of Resource and Assessment account
20-4-101	System and definition of teacher and specialist certification
20-4-102	Board of Public Education Policy
20-4-103	Issuance of teacher of specialist certificate
20-4-106	Classification of teachers and specialist certificates
20-4-108	Terms of teacher and specialist certificates - renewal
20-4-110	Suspension, revocation, and denial of certificate - appeals
20-4-111	Emergency authorization of employment
20-4-121	Interstate agreement on qualification of educational personnel
20-4-122	Designated official for purposes of interstate agreement
20-4-123	Preservation and publication of contracts made pursuant to interstate agreement
20-5-314	Execute reciprocal attendance agreement with other states and provinces.
20-6-311	High school district boundary approval

20-6-505(4)	Approval of opening of junior high schools
20-7-101 MCA	Responsibility to recommend accreditation standards
20-7-102	Accreditation of schools
20-7-104 MCA	Responsibility to provide instructional assistance
20-7-113 MCA	Responsibility to maintain curriculum guide files and publish curriculum guides
20-7-131 MCA	Responsibility to issue secondary equivalency certificates
20-7-201 MCA	Libraries. Authority of Superintendent of Public Instruction in maintenance and operation of library and audio visual library
20-7-3-1 MCA	Responsibility for K-12 vocational education, including: state plan, establish standards for courses and programs, review process for establishment and deletion of programs, instructor qualifications, course criteria, apportion monies, and evaluate programs
20-7-301 MCA	Duties of the Superintendent of Public Instruction (Vo-Ed)
20-7-302 MCA	Duties of the State Director of Vocational Education
20-7-303 MCA	Authorization to Establish and Maintain Vocational Education Courses and Programs
20-7-305 MCA and 306	Funding for Secondary Vo-Ed Programs
20-7-403 MCA	Responsibility to administer special education, (14 specific tasks)
20-7-422 MCA	Out-of-State Tuition for Special Education Children (Temporary)
20-7-431 MCA	Allowable Cost Schedule for Special Programs. Requirement for the Superintendent to make rules and account for special education expenditures by reviewing and approving all special education budgets
20-7-443 MCA	Financial Assistance for Under Six-Year-Old Special Education
20-7-457 MCA	Funding Provisions for Special Education Cooperatives as Joint Boards
20-7-502 MCA	Requirement to develop, administer and supervise the state traffic education program, (8 responsibilities)
20-7-503	District establishment of a Traffic Education Program
20-7-504	State Traffic Education Account - proceeds earmarked for the account
20-7-506 MCA	Annual allocation and distribution of Traffic Education Account proceeds-allocation for state administration
20-7-604 MCA	Requirement to license all textbook dealers

20-7-712 MCA	Requirement to manage adult basic education by directing the distribution of funds appropriated by the Legislature
20-7-903 MCA	Responsibility to propose rules and approve programs for gifted and talented children
20-7-1001 MCA	Responsibility to promote and encourage telecommunications in education
20-9-102 MCA	Responsibility for general supervision over the school budgeting procedures and provisions
20-9-103 MCA	Responsibility for school budgets forms
20-9-163	Approval of school district budget amendments
20-9-166	Approval of state aid for budget amendments resulting from increased enrollment
20-9-202(3)	Approval of school isolation status
20-9-311(8)(iii)	Approval to desegregate ANB
20-9-321 MCA	Maximum General Fund Budget and Contingency Funds for Special Education (Temporary)
20-9-343	Superintendent to manage the state equalization aid account
20-9-346 MCA	Responsibility to administer distribution of state equalization aid, (6 responsibilities)
20-9-347	Responsibility to administer distribution of BASE aid special education allowable costs
20-9-351	Responsibility to request supplemental appropriation to fully fund base aid
20-9-369 MCA	Responsibility to administer distribution of guaranteed tax base aid
20-9-532 MCA	Responsibility to administer retirement equalization aid
20-9-603 MCA	Requirement for the Superintendent to apply for and accept federal funds
20-10-20	Acceptance, expenditure, and administration of federal school food service monies
20-10-103 MCA	Responsibility to set certification standards for school bus drivers
20-10-112 MCA	Responsibility to administer and supervise the school transportation program (8 duties including the approval of all bus routes and transportation contracts and disbursement of funds)
20-10-141-142 MCA	Reimbursement by Mileage Rates
20-10-145 MCA	State Transportation Reimbursement



20-10-201 MCA	Responsibility to administer a school foods program
20-10-202	Records, reports, reviews and audits
20-10-203	School food commodities
20-10-204	Duties of trustees
20-10-205	Allocation of federal funds to school food services fund for federally connected, indigent pupils
20-10-206	Pupils in state institutions included
20-10-207	School Food Services Fund
49-2-307 MCA	Freedom from discrimination in education
53-2-1110 MCA	Coordination of Job Training and Employment Programs - Review of Job Training Plans
61-2-401	Motorcycle Safety Promotion. See Goals above
61-2-402	Motorcycle Safety Advisory Committee. Establishes a committee to advise the Superintendent on motorcycle safety issues
61-2-403	Standards for Motorcycle Safety Training. Establishes minimum standards for training based upon Motorcycle Safety Foundation standards
61-2-404	Motorcycle Safety Training Course Fees. Authorizes charging of fees and contracting for motorcycle training throughout the state
61-2-405	Motorcycle Registration Fee. Establishes a \$2.50 fee on each motorcycle registered for licensing
61-2-406	Motorcycle Safety Training Account. Establishes an account to receive revenue collected from motorcycle registrations
75-2-502 and 503, MCA	Asbestos Control
Article VI, Sect 1 MT Constitution	Authorizes an elected Superintendent of Public Instruction
Article VI, Sect 4, MT Constitution	Authorizes the Superintendent up to 15 personal staff
Article X MT Constitution	Guarantee of equal education opportunity and freedom from discrimination in education
Article X, Section 1	Guarantee of equality of educational opportunity and the American Indians
Article X, Sect 4 MT Constitution	Establishes the Superintendent as a member of the Land Board

Article X, Sect 9(b)MT Constitution	Establishes the Superintendent as an ex-officio member of the Board of Education, Board of Regents, Board of Public Education
P.L. 74-320, P.L. 75-165, P.L. 79-396, P.L. 81-439, P.L. 91-665, P.L. 84-540, P.L. 85-931, P.L. 86-756, P.L. 89-321, P.L. 90-302, P.L. 93-288, P.L. 93-326, P.L. 94-105, P.L. 95-113, P.L. 95-478, P.L. 95-627, P.L. 99-198, P.L. 100-237.	Food Distribution
P.L. 88-352 Title IV and Title IX of the Civil Rights Act of 1964. P.L. 89-564	Highway Traffic Safety Grants and Local Assistance. Reduce highway traffic injuries and death
P.L. 89-642	State Administrative Expense Funds
P.L. 92-318	Technical assistance for desegregation of public schools
P.L. 93-638	Indian Self-Determination and Educational Assistance Act of 1975 (Public Law 93-638 88 Stat.2203)
P.L. 94-467, 97-129, 98-80, 98-620, 99-419, 100-418, 100-551	Toxic Substance Control Act
P.L. 95-166	Nutrition Education and Training Program
P.L. 97-300 (as amended)	Job Training Partnership Act (Section 123 - State Education Coordination Grants)
P.L. 98-524 (as amended)	Carl D. Perkins Vocational Education Act - Coordination with programs under the Job Training Partnership Act
P.L. 99-500 - Sec. 326, and 99-591, P.L. 97-35, P.L. 96-499, P.L. 95-627, P.L. 95-166, P.L. 91-248	Summer Food Service Program
P.L. 99-519	Asbestos School Hazard Abatement Act of 1984
P.L. 99-570	Drug-Free Schools and Communities Act of 1986
P.L. 100-297	Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988
P.L. 100-323	Veterans Employment Training and Counseling Amendments of 1988
P.L. 100-690	Amendments of 1989
P.L. 100-77	Stewart B. McKinney Homeless Assistance Act Title VII, Subtitle B - Education of Homeless Children and Youth
Title 2, Chapt. 18, MCA	Employee Classification system, Leave administration, etc.
Title II	Mathematics and Science Education Programs Reauthorized as the Dwight D. Eisenhower Mathematics and Science Education Act
Title 20 - Education Chapter 9 - Finance.	Gives the State Superintendent general supervisory authority over school financial administration provisions

Title 20 MCA	General statutory provisions governing Schools; establishes responsibilities of the Superintendent
Title 38, USC Veterans Benefits, Chapters 30, 32, 34, 35 (Montgomery G.I. Bill/Active Duty).	Public Employee Collective Bargaining, Unfair labor practices, etc.
Title 39, Chapt. 2, MCA	Wrongful discharge.
Title 39, Chapt. 30, MCA	Veteran and Handicap Preference.
Title 39, Chapt. 31, MCA	
Title 49, Chapter 2, MCA	Discrimination in employment, generally
Title 49, Chapter 3, MCA	Discrimination in Government services and employment Fair Labor Standards Act - Governs overtime and compensatory time
Title 77 MCA	Establishes the duties of the Land Board
Title IV, Part A, Subpart 6	Higher Education Amendments, 1986 as amended. Senator Robert C. Byrd Honor Scholarship Program
Title IX	Educational Amendments to the Civil Rights Act prohibiting discrimination in educational programs and activities receiving federal funds
Title 10. USC	Educational Assistance for Members Chapter 10 of the Selective Reserve
20 USC (EHA)	Requires that services provided for handicapped Section 1400-1485 children be rendered by qualified professional staff in each individual discipline
20 USC Sec. 1400-1485 (EHA)	The Education for All Handicapped Children Act of 1975 As Amended
29 USC 201 et seq.	Equal Pay Act - Prohibits pay differentials based on sex
29 USC 621 et seq.	Prohibits Age discrimination
29 USC 791	Rehabilitation Act - Prohibits discrimination against the handicapped

#### **GOALS AND OBJECTIVES:**

Administer all federal and state contracts, grants and provisions of law to the best of our ability and with the resources available. To assure the best possible educational opportunities for the people we serve.

#### Montana State Approving Agency:

Meet the terms and conditions of its annual contract with the U.S. Department of Veterans Affairs. (1) (United States Department of Veterans Affairs Contract - Section 1775-1776 Title 38 United States Code)

- Submit performance standards for program operations.
- Prepare and follow a school visitation schedule.
- Provide technical assistance to all approved educational institutions in the state.
- Assist non-approved programs to meet the criteria for approval.
- Develop and implement a staff development program.

#### State of Montana GED Program:

Administer the GED Testing Program in Montana to the best of our ability with the resources available according to the policies/procedures established by the GED Testing Service (GEDTS) of the American Council on Education (ACE) and in compliance with the administrative rules governing the high school equivalency program in Montana. (GED Examiner's Manual, American Council on Education; ARMs 10.66.101 - 10.66.106) [(1) (MT)]

- Serve as liaison between GED Testing Service of the American Council on Education and the official GED test centers operating in Montana.
- Coordinate annual GED contracts between GEDTS/ACE and the official GED test centers operating in Montana.  
Establish new test centers as needed. Supervise/monitor existing test centers for compliance with GEDTS. policies/procedures and state administrative rules and correct deviations.
- Provide inservice opportunities to test center personnel as resources allow.
- Develop new testing policies and periodically review, edit, and update existing Montana testing policies (ARMs).
- Operate and serve as official test center for state institutions, one job corps center, and arrange for test accommodations as warranted for disabled clients statewide.
- Manage coordination/scheduling of essay operational topic component for Montana's GED Test Centers.
- Provide/manage service of central scoring and record maintenance for state's GED testing program.
- Develop/implement technological enhancements to Montana's GED program to better serve clients and test center operations.
- Cooperate/prepare/present GED statistical report data for GEDTS, Montana Board of Public Education, Adult Basic Education Program, local GED test centers, and other interested agencies.

#### Homeless Children:

Every child of a homeless family and each homeless youth shall be provided the same opportunities to receive free, appropriate education services as children who are residents of the state. (1)

- Increase public awareness of educational problems of the homeless
- Coordinate all state and local services
- Provide direct services to schools and service providers
- Review and attempt to revise all relative state laws
- Gather and report accurate data as required by Congress and the Department of Education.

#### Adult Basic Education:

Montana will provide basic academic services to about 6,000 adults in more than 25 sites. [(1) (US/MT) (State of Montana Code Annotated 20-7-701 through 20-7-714) and (Federal Adult Education Act Public Laws 100-297 and 102-73 and the appropriate federal rules and regulations).

Provide teacher requested in-service and special demonstration projects. (1)

- Provide summer in-service training.
- Provide scholarships for attending professional meetings and related activities.
- Cooperate with other agencies in data collection projects.
- Develop integrated computer communications.

Provide technical assistance to literacy providers. (2)

- Maintain center as a depository for professional literature and materials.
- Through electronic mail hookups, use bulletin board programs -PSInet and OTAN.
- On-site technical assistance/evaluation visits.

Improve ABE instruction and program management through evaluation and data analysis. (1)

- Establish evaluation methods relative to data collection requirements.
- Use third party evaluation team.
- Collect, analyze, interpret and act on statistical data collected.

#### **GOAL AND OBJECTIVES:**

##### CENTRAL SERVICES

- Provide accounting services to all OPI divisions, accounting and reporting all transactions in accordance with generally accepted accounting principals and in compliance with state and federal requirements by (1-MT/US)



- Processing payments to vendors in a timely fashion.
- Preparing the biweekly payroll.
- Recording and depositing revenues received.
- Billing for services and goods provided.
- Preparing the office's federal indirect cost plan.
- Preparing fiscal reports and financial statements as required by federal regulations and the legislature.
- Managing cash balances to allow for timely payment of expenditures and compliance with federal regulations.
- Coordinate the preparation and submission of the biennial budget request and the annual budget allocation and assist management in monitoring budgets for compliance with federal grants and legislative intent by (1-MT/US)
  - Preparing and presenting the biennial budget request in accordance with state requirements.
  - Planning and directing the allocation of both office operations and flow-through appropriations.
  - Preparing a quarterly analysis of budget balances.
  - Providing information, training and assistance to division administrators and other budget managers within OPI.
- Provide wordprocessing and mail support to office staff by (2-MT)
  - Completing the more complicated graphics and lengthy report requirements for staff to complete their projects.
  - Completing routine typing assignments.
  - Maintaining a mailing list of school officials utilized by all staff and printing labels for mass mailings.
  - Publishing an annual Directory of Montana Schools.
  - Sorting and delivering all mail to/from staff and central mail twice each day.
- Developing and implementing policies and procedures for the purchase and inventorying of equipment by (3-MT)
  - Providing purchasing assistance and information to staff.
  - Recording the acquisition, disposal and transfer of office property.
  - Inventorying all property annually.

## GOALS AND OBJECTIVES:

### SUPERINTENDENT'S OFFICE

- Develop and maintain for the children in Montana the best K-12 public education system in the nation. (1) MT
  - Secure adequate funding for K-12 education to meet accreditation standards.
  - Update certification standards to reflect current education practices and standards.
  - Recommend accreditation standards to the Board of Public Education and develop cutting-edge academic strategies to prepare today's school children for tomorrow's challenges.
  - Assist school districts and teachers in achieving those standards with every resource available to the office.
- Ensure the effective distribution of various state funding in support of K-12 education in Montana. (2) MT
  - Distribute over \$400,000,000 in state foundation and Guaranteed Tax Base support to 494 school districts with no material audit exceptions.
  - Provide timely and accurate budget and expenditure information to the legislature and the general public concerning K-12 education in Montana.

### DATA PROCESSING

- Provide computer support and services for the office's local area network by (1-MT)
  - Acquiring, installing, configuring and repairing as necessary all PC hardware and software systems.
  - Managing and supporting the offices's internal computer network systems.
  - Developing, programming, supporting and upgrading customized PC programs unique to OPI operations.
  - Providing training to staff in the use of office PC systems.
  - Ensuring the office's computer system is secure and protected from unauthorized access and viruses.

### SCHOOL DISTRICT ACCOUNTING & BUDGETING

- Assist school districts in preparing their annual budgets in accordance with state law, in maintaining their

accounting records in accordance with generally accepted accounting principles and in preparing accurate, timely financial reports (1-MT).

- By presenting accounting/budgeting workshops each year to an audience of 400 school district and county officials and auditors in seven regions across the State.
- By providing forms, instructions and written policy guidance and by updating and maintaining the School Finance Manual as a current resource, available to all district and county officials for their use when budgeting, accounting for and reporting the results of districts' financial affairs.
- By providing timely and accurate answers to questions and requests for assistance received in person, by mail and by telephone from school district clerks, district superintendents, county superintendents, county treasurers, and local government auditors.
- By developing, implementing, maintaining and upgrading a system for the electronic transmittal of data between OPI, school districts and counties.
- Monitor and enforce district and county compliance with state law to ensure that state payments of more than \$450,000,000 to school districts for special education costs, equalization aid, transportation aid, and guaranteed tax base aid are timely and correct and that local taxes levied to fund schools are assessed properly on district/county taxpayers (1-MT)
  - By reviewing, analyzing, editing and, as necessary, correcting annual budgets and year-end financial reports received from 530 school districts/cooperatives and 56 counties.
  - By each month distributing state aid to 56 counties for 530 school districts/cooperatives on time and with no material audit exceptions.
  - By providing timely and accurate budgeting information and data to districts.
- Monitor and enforce district compliance with State and Federal single audit requirements (2 - MT/US),
  - By reviewing 200 district audits reports and corrective action plans each year.
  - By approving district indirect cost rate applications.
- Prepare accurate and timely fiscal reports required by the legislature, the National Center for Education Statistics and the U.S. Census Bureau (3 - MT/US),
  - By summarizing and "crosswalking" financial information received from Montana's 495 school districts.
  - By submitting the Common Core Data report as required in March and September of each year,
  - By attending the annual NCES conference.

#### TEACHER EDUCATION AND CERTIFICATION DIVISION CERTIFICATION SERVICES:

- To process all requests for information on, and applications for Montana certification of teachers, school administrators and educational specialists. (1-MT)
- To maintain and manage approximately 23,000 active certification files and over 100,000 inactive certification files. (1-MT)
- To process approximately 6,000 applications per year for initial certification, renewal of licenses or reinstatement of licenses. (1-MT)
- To provide information and documentation to the Board of Public Education on all appeals to the denial of certification by this office. (2-MT)
- To pursue reports of incidents which may warrant recommendations from the Office of Public Instruction to the Board of Public Education for the revocation or suspension of a Montana teacher, administrative or specialist certificate.(1-MT)
- To review all reports of suspended and revoked teaching certifications from a national network and take action to support our request to the Board of Public Education for the suspension or revocation of any Montana certified persons who may appear, and to screen all applicants against this same file to deny certification to any who appear on this listing. (1-MT)
- To interpret certification rules to higher education faculty and administration, to school officials, certified personnel, and the public in general. (2-MT)
- To recommend changes in certification rules to the Superintendent of Public Instruction for consideration by the Board of Public Education. (3-MT)

#### TEACHER EDUCATION SERVICES

- To arrange for and coordinate the review of teacher education programs through a five year cycle on eight higher education campuses where teacher preparation is an approved program. (1-MT)
- To compile the recommendations of review teams assigned to the review of teacher education programs and arrange for the recommendations for approval, provisional approval or non-approval be presented for action to the Board of Public Education. (1-MT)

- To coordinate the follow-up review of all teacher education programs where programs are given provisional approval and arrange for the presentation of recommendations of approval or non-approval to the Board of Public Education. (1-MT)
- To present the Board of Public Education with recommendations from numerous committees involved in the review of teacher education program standards for implementation in 1996. (2-MT)
- To meet with deans and chairs of teacher education programs in Montana and with teacher education faculty, administrators and teachers relative to teacher education program standards and the procedures for reviews for the purpose of training them for participation in this activity. (3-MT)
- To participate in national accreditation coordination and review of Montana teacher education programs as scheduled within the review cycles. (3-MT)
- To recruit, train and maintain a files on a cadre of educators to participate in the review of teacher education programs in accordance with adopted procedures. (3-MT)

#### EDUCATION TECHNOLOGY

- To continue development and operation of the Montana Educational Telecommunications Network for use by Montana educators in K-12 and the University System.
  - Continued operation and development of the 16 METNET Electronic Bulletin Board system nodes for use by Montana educators.
  - Continued efforts in the operation and expansion of distance learning programs involved in the Star Schools Program and the Northwest Star Schools Partnership.
  - Continued efforts in the provision of technology in-service training for staff in the University system and K-12 education who use METNET services.

#### SCHOOL FOOD SERVICES

- To administer the National School Lunch, Breakfast, Special Milk, Food Distribution, Summer Food and Nutrition Education & Training programs as mandated by congress and regulated through a cooperative agreement with the United States Department of Agriculture (USDA). (1-US)
  - To monitor program implementation and compliance by 278 breakfast/lunch school food authorities (SFAs), 15 special milk only SFA'S, and 34 summer food service program sponsors.
  - To provide special assistance and training to food service related personnel including 400 participants at the annual School Food Service conference, 15 regional workshops, and 25 technical assistance visits to SFAs, answer numerous telephone calls related to program operations, and provide program information to the public and other government agencies.
  - To provide USDA donated foods to 273 school food authorities and 34 summer food service program sponsors.
  - To provide nutrition education and information to SFAs, to instructional personnel, and the public using various delivery systems, i.e., printed materials, workshops, seminars, and the annual School Food Service training conference for the benefit of over 50,000 children.
- To provide a state-wide food purchase program enabling 278 SFAs to join together cooperatively through School Food Services to obtain foods through volume buying at considerably lower costs. (2-MT)
  - To save SFAs an estimated \$500,000 per year based on \$2,000,000 in purchases.
  - To charge a 2% service fee for program administration thereby not using state funds.
- To provide an efficient method for paying for and collecting for the warehousing and delivery costs of USDA donated foods allocated to private schools, residential child care institutions (RCCIs) and summer food service programs. (1-MT)
  - To collect reimbursement from private schools, RCCIs and summer food service programs for the cost of warehousing and delivery of their entitled USDA donated foods.
- To pass through reimbursement payments to SFAs, and summer food service program sponsors who participated in their respective programs. (1 US)
  - To receive claims for reimbursement, evaluate claims, and pay correct claims for reimbursement for eligible meals served.

#### BASIC EDUCATION AND ACCREDITATION

- To assure quality basic education for the students of Montana.
  - Assist schools in implementing programs which promote the characteristics of effective schools as defined by research. (1 US and MT)
  - Fund curriculum development grants and innovative practices grants from ESEA Chapter 2 Effective Schools grant. The elements of effective schooling are organized into five groups of variables: 1) a clearly defined curriculum; 2) focused classroom instruction and management; 3) firm, consistent



discipline; 4) close monitoring of student performances; and 5) strong instructional leadership. (NWREL, 1984)

- Gather, evaluate, and disseminate materials related to effective schools research and programs. Materials will be gathered at national and regional conferences and from publications. Information will be distributed through office publications, state and regional conferences, and on-site visits to school districts.
- Provide technical assistance concerning the implementation of effective school programs to school district staffs. Technical assistance will include on-site visits, telephone consultations, and presentations at regional and state conferences.
- Implement evaluation of effective schools programs. Evaluation activities will include assessment of conferences, technical assistance, on-site accreditation visits, and grant activities.
- Implement the accreditation standards adopted by the board of public education. Review accreditation compliance and make recommendations to the board of accreditation status for approximately 900 schools each year.
- Targeted Assistance: Provide for training and professional development of educational personnel (1 US and MT)
  - Provide technical assistance to individual and groups of educators to enhance their professional development. Technical assistance will include on-site visits, telephone consultations, correspondence, mailings, electronic bulletin boards, and presentations at regional and state conferences.
  - Gather and disseminate information on innovative teaching techniques and school management. Results from the 4 innovative practices grants will be distributed through office publications, and state and regional conferences.
  - Sponsor and contribute to programs for the professional development of educational personnel. Support and participate in school district, consortia, and state level conferences.

#### VOCATIONAL EDUCATION

The State Superintendent is designated by state law as the governing agent and executive officer for K-12 Vocational Education. All vocational and prevocational programs operated by local public schools are under the general direction and control of the State Superintendent of Public Instruction. The Superintendent's Vocational Education unit administers all state and federal monies designated for the support of vocational education. All such monies are made available only to the State Superintendent. The State Legislature has designated the Commissioner of Higher Education's Office as the fiscal agent for direct receipt of Carl D. Perkins Vocational Education funds and has required by law that the Commissioner contract back to the State Superintendent those Federal funds that support secondary vocational education programs.

The Vocational Education unit provides fiscal and programmatic administration, supervision, leadership, technical assistance, evaluation, compliance enforcement, and consultative services to public and non-public schools, units of the University system, community based organizations, other state agencies and the general public.

The unit distributes Federal and State funds via competitive subgrants and formula allocations. The unit also provides curriculum assistance to various diverse educational disciplines such as business education, marketing education, home economics education, technology education, agriculture education, industrial arts, guidance and counseling, and apprentice and journeymen upgrade education. Funds for these activities come from State and Federal sources. The Carl D. Perkins Vocational Education Act (PL 101-392), and the State general fund are the major sources of funds administered by the unit.

- Improve the quality of Vocational Education in all Montana schools.
  - Evaluate a percentage of all State funded vocational programs each year. (1-MT)
  - Conduct an on-site program review in selected school districts each year. (3-MT)
  - Provide inservice training for 350 vocational teachers on new vocational education topics, curriculum, etc. each year. (2-US)
  - Expand the use of modern technology in vocational programs. (1-US&MT)
  - Assist with Northwest and OPI accreditation reviews of Montana schools each year. (3-MT)
  - Provide support for the curricular and co-curricular development activities of the various vocational disciplines. (1-US&MT)
- Expand the equitable access to quality vocational programs to members of special populations.
  - Fund special programs that provide vocational training for non-traditional students. (1-US)
  - Evaluate Federally funded vocational programs each year. (1-US)



- Gather data on all funded vocational programs and report to the Federal government. (1-US)
- Participate in the OCR activities of the office. (3-US)
- Manage the Carl D. Perkins federal funds through review, evaluation, monitoring and approval of Basic Grant and Competitive Grant applications that are available to 163 high school districts, community based organizations (CBO's) and teacher education programs. (1-US)
- Write the portions of Carl D. Perkins State Plan for vocational education that relate to K-12. (1-US)
- Perform other ancillary duties.
  - Serve on State Occupational Information Coordinating Council (SOICC) and Technical Steering Committee (TSC) for SOICC. (3-US)
  - Participate in general OPI activities. (2-MT)
  - Serve as the States Facility Coordinator. (3-US)
  - Serve on the Governors Council on Employment of People With Disabilities. (2-MT)
  - Assist with Montana Business Week. (3-MT)
  - Serve on the Montana Child Care Block Grant task force. (2-US)
  - Administer the related apprenticeship and journeyman upgrade funding system in junction with the Department of Labor and Industry. (3-MT)

#### Job Training Partnership Act

The Office of Public Instruction is designated by Federal Law as the administrative agency for the Section 123 Education Coordination funds provided under Public Law 97-300 and the new amendments to that act under Public Law 102-811. Various State laws support this designation.

The act provided that 8% of the title II funds be made available to the State Education Agency for education coordination activities and not less than 80% of those funds be spent for direct services and job training services to eligible youth and adults facing serious barriers to participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation. The balance of the funds (20%) are to be used for program management and statewide activities which improve program coordination between educational institutions and job training programs.

- Provide overall policy direction, program management, and fiscal management to direct service programs operated by local education agencies, community colleges, community based organizations, and other state agencies.
  - Develop and issue a request for proposals for the JTPA 8% funds by May 1, 1994. (1-US)
  - Select program operators for the 1994-95 program year. (1-US)
  - Evaluate all 1993-94 JTPA 8% programs by June 30, 1994. (1-US)
  - Close out all 1993-94 projects and write a final fiscal and program report. (1-US)
  - Organize a JTPA 8% planning task force. (2-US)
  - Participate in general OPI administrative activities. (3-MT)
- Facilitate coordination of education and job training services.
  - Negotiate a cooperative agreement with the JTPA service delivery areas. (1-US)
  - Negotiate a cooperative agreement with Montana Job Service. (2-US)
  - Disseminate program information to program operators. (1-US)
  - Participate in state JTPA activities such as JTCC meetings and PIC meetings. (2-US&MT)
  - Coordinate JTPA, Vocational Education, and Jobs for Montana Graduates activities. (3-MT)
  - Coordinate with other non JTPA funded state and federal education activities. (3-MT)

#### TRAFFIC EDUCATION

- Develop and administer division of traffic education programs. (1-MT)
  - Establish required policies and procedures, as well as provide necessary guidance, for each program administered.
  - Develop and implement qualifications for driver educators, motorcycle instructors, and school bus drivers.
  - Process school district, sponsor, teacher and instructor applications.
  - Establish and implement policies for the distribution of monies to school districts and program sponsors.
  - Process school district and sponsor reimbursement claims.
  - Distribute funds in the traffic education account as required by law.
  - Develop and administer program budgets in accordance with federal and state laws and regulations.

- Supervise and assist school districts, and others, with the conduct of their various traffic education programs. (2-MT)
  - Provide technical assistance in curriculum development, facility layout, assessment and instructional methods.
  - Conduct annual conferences, instructor preparation courses and workshops.
  - Develop, distribute and make available a variety of educational materials.
- Supervise the development and management of the Montana Driver Education Facility and Motorcycle Training Sites. (2-MT)
  - Provide basic and advanced automobile and motorcycle instruction to educators, professionals and the general public.
  - Provide facility/site maintenance and improvement as needed.
- Periodically conduct on-site traffic education/pupil transportation program reviews and motorcycle safety training course monitoring. (3-MT)
  - Review and monitor traffic education courses and programs statewide.
  - Evaluate each program and provide written recommendations for improvement.
  - Conduct follow-up reviews and provide technical assistance upon request.

#### HEALTH ENHANCEMENT

To educate Montana youth on self-responsibility in achieving and maintaining a healthy lifestyle, on taking an active role in protecting and improving their health, and on addressing the intellectual, social, emotional and physical dimensions of self by integrating health enhancement throughout the school program.

- To administer the Drug-Free Schools and Communities (U.S. Department of Education) grant and HIV/AIDS Education Program (Department of Health and Human Services) cooperative agreement. (1,US)
  - To develop grant/cooperative agreement applications consistent with federal requirements and the office mission. (1,US)
  - To submit all required programmatic and financial mid and final reports. (1,US)
  - To develop, implement and analyze surveillance and assessment instruments. (1,US)
  - To develop and maintain a system of 150 sub grants to over 400 LEAs encompassing 800 individual schools. (1,US)
- To provide technical assistance and related resources to LEAs and other associated groups/organizations. (2,US/MT)
  - To provide program implementation and curriculum development information to 495 Montana school districts concerning DFSC grant requirements and related activities. (1,US)
  - To provide program implementation and curriculum development information to 495 Montana school districts concerning HIV/AIDS education. (2,US)
  - To provide program implementation and curriculum development information to 495 Montana school districts concerning health enhancement (comprehensive school health). (2,US/MT)
  - To provide program and student assessment/evaluation guidance and assistance to 495 Montana school districts. (3,US/MT)
  - To provide teacher and administrator specific program implementation, curriculum development and assessment training for 600 Montana educators. (2,US/MT)
- To conduct program monitoring in the areas of DFSC, HIV/AIDS, and health enhancement. (1,US/MT)
  - To develop and distribute self assessment strategies to 800 schools, conduct 60 onsite reviews and coordinate a peer review system. (1,US)
  - To develop, maintain, and conduct monitoring of 20 HIV/AIDS regional trainers. (2,US)
  - To monitor the health-related behavior of Montana youth through the Youth Risk Behavior Survey given to over 10,000 youth on odd-numbered years and monitor program implementation of 550 school districts at the school level on even numbered years. (1,US)
  - To conduct both 95 onsite and 500 office reviews of health enhancement programs conducted at the LEA level. (3,US/MT)

#### **GOALS AND OBJECTIVES:**

#### SPECIAL EDUCATION

- Goal: Provide policy direction and coordination for the conduct of special education in the state. (1-MT & US)

- Assist school districts, institutions and other agencies in developing programs for children with disabilities.
- Act as the coordinating agency with federal agencies, other state agencies, and others on matters concerning the conduct of special education in the state.
- To assist school districts in the provision of a free appropriate public education (FAPE) to eligible special education students. (1- US & MT)
  - Annually allocate \$ 33.8 million in state special education funds to school districts and special education cooperatives in accord with established criteria.
  - Annually allocate approximately \$8,025,381 million in federal IDEA Part B and Preschool funds for the supplemental support of special education programs and related services in accord with established state and federal regulations. Approximately 105 applications will be completed annually.
- Supervise the conduct of special education programs to ensure that eligible students receive a free and appropriate public education in accord with applicable state and federal regulations. (1-US & MT)
  - Conduct on-site monitoring of special education programs in at least 45 school districts annually.
  - Review federal project narrative and fiscal reports. Approximately 105 reviews will be conducted annually.
- Ensure that special education programs and services are implemented by "qualified" personnel. (1-US and MT )
  - Provide directly, or in collaboration with professional organizations, other state agencies and institutions of higher education, and workshops and other in-service training programs on a state-wide basis.
  - By June 1 of each year, conduct a state-wide needs assessment to determine personnel training needs.

## GOALS AND OBJECTIVES:

### CHAPTER 1

To assist LEAs in meeting the special educational needs of educationally deprived children in school attendance areas and schools with high concentrations of children from low-income families. This assistance is to improve the educational opportunities of educationally deprived children by helping them succeed in the regular program, attain grade-level proficiency, and improve achievement in basic and more advanced skills that all children are expected to master.

- To administer the ESEA Chapter 1 program in compliance with federal laws and regulations. (1 US)
  - To develop grant applications and other supporting documents, that are consistent with federal requirements, for use by the LEAs.
  - To submit in a timely manner all required programmatic and financial reports to the federal government.
  - To develop, implement and analyze monitoring and assessment instruments.
  - To maintain a system of 373 grants to 297 LEAs encompassing 606 buildings and approximately 16,300 students.
- To plan, develop, promote, implement and maintain services and processes which provide information to the parents, teachers, aides, administration, and local boards of trustees of Chapter 1 eligible students. (2 US)
  - To develop and disseminate a quarterly newsletter which contains current updates on Chapter 1 activities to 297 LEAs.
  - To plan and promote a Fall Chapter 1 statewide conference for parents, teachers, aides and administrators. Approximately 850 persons attend. This conference provides policy, regulatory and programmatic information to participants.
  - To plan and promote Spring regional workshops to provide information on changes in regulations, update application procedures and relate current funding information. Approximately 450 persons from 297 LEAs attend.
  - To plan and promote workshops on program improvement, national recognition, MegaSkills and Even Start. Approximately 200 LEAs and 400 persons are involved.
  - To provide technical assistance via telephone and on-site visits. Assistance provided to 135 LEAs annually.
  - To establish state Chapter 1 guidelines and to monitor LEA compliance with state and federal regulations. (3 US and MT)
  - To plan and hold an annual meeting with the Chapter 1 Committee of Practitioners to present for



their review and comment all activities and issues relevant to Chapter 1.

- To plan and implement a monitoring system that will involve annual on-site reviews at 75 LEAs and a desk audit of all 297 LEAs involved with Chapter 1.

## GOALS AND OBJECTIVES:

### EQUITY

#### GENDER, NATIONAL ORIGINS, RACE EQUITY, ESEA CHAPTER 1 MIGRANT, AND TITLE VII BILINGUAL

- LEA's will be familiar with equity issues and utilize re-sources from OPI in order to provide effective services to female and minority students. (US)
  - Catalogue and expand a bibliography of the existing materials and AV resources at OPI which deal with equity issues and can be utilized by school districts in the state. A quarterly newsletter is published by OPI and OCHE which is distributed to all schools in the state.
  - Develop and purchase new materials and resources which address equity issues, especially sexual harassment, which can be used by school districts.
  - Update and distribute the Title IX Coordinator's Handbook.
- The Office of Public Instruction offers technical assistance, conferences, training, data collection, and staff development projects to assist districts in establishing and providing effective and inclusive education for all students, specifically addressing and reducing disparity by sex, race, and national origin. (US)
  - To expand the staff development program for GESA (Gender/Ethnic Expectations and Student Achievement) to two new sites.
  - Conduct GESA training reaching staff in 17 school districts.
  - Conduct regional and district Title IX training events for educators/administrators.
  - Conduct sexual harassment training of trainers for educators/administrators.
  - To coordinate nine EYH (Expanding Your Horizons) career conferences which are targeted for girls grades 6-12.
  - Conduct a statewide bilingual/ESL conference which would be attended by educators and parents working with children from limited English speaking backgrounds including teachers of Hutterite children.
  - To provide Expressive Language Training to targeted school districts in Montana.
  - Coordinate an Institute for Effective Teaching of American Indian Children and other multicultural training for elementary teachers who work with Indian children.
  - To provide parent training activities for minority parents to help them become more involved in the education of their children.
  - Administer the ESEA Chapter 1 Migrant Program in compliance with federal laws and regulations, and whenever possible, seek to influence, positively, policy making at the federal level.
  - Coordinate with SEA migrant programs and local migrant education programs with similar programs and projects in other states, including the transfer of school and health records about eligible migratory children.
  - Establish state Chapter 1 migrant guidelines and procedures in accordance with federal regulations.
  - Plan, develop, promote, implement, monitor, and maintain services and processes which provide information to the parents, teachers, aides, administrators and local boards of trustees of Chapter 1 migrant eligible students.
- To meet the needs of Limited English Proficient students in school districts implementing or wishing to implement bilingual or ESL programs under Title VII; to collect data regarding the number and educational condition of LEP students in the state.

It should be noted that the objective listed above are not in any priority order. The objectives listed are funded by the federal government based on funding available for this purpose. We feel that these objectives provide only a bare minimum of training that is necessary in the Equity Program. The need for these type of activities far exceeds the amount of funds available under Title IV of the Civil Rights Act.

## GOALS AND OBJECTIVES:

### ADULT/HOMELESS SERVICES

Administer all federal and state contracts, grants and provisions of law to the best of our ability and with the



resources available. To assure the best possible educational opportunities for the people we serve.

#### MONTANA STATE APPROVING AGENCY

- OPI will meet the terms and conditions of its annual contract with the U.S. Department of Veterans Affairs. [(1) (United States Department of Veterans Affairs Contract - Section 1775-1776 Title 38 United States Code)]
  - Submit performance standards for program operations
  - Prepare and follow a school visitation schedule
  - Provide technical assistance to all approved educational institutions in the state
  - Assist non-approved programs to meet the criteria for approval
  - Develop and implement a staff development program

#### STATE of MONTANA GED PROGRAM

- Administer the GED Testing Program in Montana to the best of our ability with the resources available according to the policies/procedures established by the GED Testing Service (GEDTS) of the American Council on Education (ACE) and in compliance with the administrative rules governing the high school equivalency program in Montana. (GED Examiner's Manual, American Council on Education; ARMs 10.66.101 - 10.66.106) [(1) (MT)]
  - Serve as liaison between GED Testing Service of the American Council on Education and the official GED test centers operating in Montana.
  - Coordinate annual GED contracts between GEDTS/ACE and the official GED test centers operating in Montana.
  - Establish new test centers as needed. Supervise/monitor existing test centers for compliance with GEDTS policies/procedures and state administrative rules and correct deviations. Provide inservice opportunities to test center personnel as resources allow.
  - Develop new testing policies and periodically review, edit, and update existing Montana testing policies (ARMs).
  - Operate and serve as official test center for state institutions, one job corps center, and arrange for test accommodations as warranted for disabled clients statewide.
  - Manage coordination/scheduling of essay operational topic component for Montana's GED Test Centers.
  - Provide/manage service of central scoring and record maintenance for state's GED testing program.
  - Develop/implement technological enhancements to Montana's GED program to better serve clients and test center operations.
  - Cooperate/prepare/present GED statistical report data for GEDTS, Montana Board of Public Education, Adult Basic Education Program, local GED test centers, and other interested agencies.

#### HOMELESS CHILDREN

- Every child of a homeless family and each homeless youth be provided the same opportunities to receive free, appropriate education services as children who are residents of the state. (1)
  - Increase public awareness of educational problems of the homeless
  - Coordinate all state and local services
  - Provide direct services to schools and service providers
  - Review and attempt to revise all relative state laws
  - Gather and report accurate data as required by Congress and the Department of Education.

#### ADULT BASIC EDUCATION

- Montana will provide basic academic services to about 6,000 adults in more than 25 sites. [(1) (US/MT) (State of Montana Code Annotated 20-7-701 through 20-7-714) and (Federal Adult Education Act Public Laws 100-297 and 102-73 and the appropriate federal rules and regulations)].
- Provide teacher requested in-service and special demonstration projects. (1)
  - Provide summer in-service training
  - Provide scholarships for attending professional meetings and related activities
  - Cooperate with other agencies in data collection projects
  - Develop integrated computer communications
- Provide technical assistance to literacy providers (2)-
  - Maintain center as a depository for professional literature and materials
  - Through electronic mail hookups, use bulletin board programs - PSInet and OTAN
  - On-site technical assistance/evaluation visits
- Improve ABE instruction and program management through evaluation and data analysis. (1)

- Establish evaluation methods relative to data collection requirements
- Use third party evaluation team
- Collect, analyze, interpret and act on statistical data collected.

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## Board of Crime Control

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### AUTHORIZATIONS:

2-15-2006, MCA	Creates the Board
3-10-601, MCA	Collection and disposition of fines, penalties, etc.
7-32-303, MCA	Peace officer employment standards
15-25-122, MCA	Disposition of drug tax proceeds
41-5-1001, MCA	State grants for youth detention services
44-2-701, MCA	Drug Abuse Resistance Education (DARE)
44-4-301, MCA	Board functions
53-9-101, MCA	Victims compensation act
53-9-102, MCA	Victims assistance coordination
42 USC 4760	Anti-Drug Abuse Act
42 USC 10601	Victims of Crime Act
5 USC 5101	Drug Free Schools and Communities Act
42 USC 5601	Juvenile Justice and Delinquency Prevention Act

### GOALS AND OBJECTIVES:

#### Peace Officer Standards and Training [POST]:

To strengthen the performance of the justice system by providing for the continuing certification and determination of standards for law enforcement, detention, communication, probation and parole officers, motor carrier service officers and county coroners.

- Analyze certification eligibility of law enforcement, detention, communication, probation and parole officers, motor carrier service officers and county coroners and make recommendations to the POST Council at it's quarterly meetings for 400 applications per year and issue 350 certificates per year.
- Investigate, analyze and arrange for hearings on request to decertify and report to the POST Council at it's quarterly meetings.
- Mail out upon request on a timely basis to 44-55 agencies the entry level written examinations and the physical skills assessments and maintain the records of the test and respond to agencies and applicants on questions regarding the examinations and assessments.

To strengthen the performance and coordination of the justice system by providing technical assistance to agencies and to MLEA in the development of training programs.

- Assist local law enforcement, upon request, in personnel management issues.
- Meet at a minimum every two months with MLEA staff assisting in program development, instructor development and problem solving.
- Maintain the training records of all County Coroners and notify them on a timely basis when they are due for additional training.

#### Crime Victim Compensation:

To strengthen the performance of the justice system through the provision of compensation to victims for injuries suffered as the direct result of criminal acts of other persons.

- Provide claim forms, information and processing of 600 primary victim claims and 100 secondary victim claims per year.
- Process claims and make determinations within time parameters established by rule and policy.

#### Grants Planning:

To promote public safety by assessing research based methods and implementing successful approaches to narcotics enforcement and comprehensive community based projects addressing prevention and intervention with children and families.

- Maintain pressure on narcotics trafficking by providing resources statewide through local and regional enforcement task forces to arrest and help prosecute drug offenders.
- Monitor the activities of all narcotics task forces yearly and perform an evaluation of the effectiveness of no fewer than one task force yearly.
- Maintain and support the growth of school-linked services for at-risk youth and family through the award of federal funds.
- Maintain and increase the numbers of communities making collaborative plans to assess and implement prevention programs through provision of technical assistance and award of federal funds.
- Research, propose, implement and assess at least one innovative approach to community based drug abuse prevention/education program each year.
- Prepare the state's criminal justice system to implement new programs under the federal 1994 Crime Bill including community oriented policing.

To improve the services and assistance available to victims of crime through the efforts of the victim's assistance coordinator using federal grant funds.

- Maintain the ability to support and provide victim assistance services to 12,000 primary victims and 6,000 secondary victims each year through the award of federal funds.
- Produce and distribute a procedural manual for victim assistance programs to stimulate victim participation in the criminal justice system.

#### Juvenile Justice Planning:

To promote public safety through improvements to the juvenile justice system which protects youth as a valuable natural resource.

- Ensure no youth is detained who does not meet the criteria established in the Youth Court Act throughout the biennium.
- Establish a continuum of services for youth involved in the juvenile justice system using the 'balanced approach'.
- Review, award and monitor 12 community based grant awards and 5 regional detention services grant awards
- Meet the mandates of the Juvenile Justice and Delinquency Prevention Act in the areas of deinstitutionalization, sight and sound separation, jail removal and minority over representation.
- Provide a planning function to the juvenile justice system and meet the findings of the Performance Audit on the juvenile justice system.

#### Fiscal Management:

To strengthen the performance of the justice system by providing professional accounting for all funds administered by the Crime Control Division.

- Administer the division's Executive Budget Process.
- Establish and maintain policies and operating methodologies.
- Prepare employee payroll and maintain employee benefits.
- Provide for timely receipt of revenues and disbursement of funds.
- Ensure accuracy of input to the state and division accounting systems through monthly reconciliations of SBAS and GMIS.
- Prepare necessary financial reports and schedules.
- Provide financial monitoring/reporting of federal programs.
- Provide property management and accountability.
- Provide audit contact and resolution.

To improve the coordination of the justice system by providing financial guidance to the Board, staff, and



subgrantees.

- Design, develop, and implement enhancements to automated accounting systems to provide improvements for the recordation and retrieval of information.
- Review budgets for subgrant applications prior to Committee\Board award action.
- Present training for new subgrantees on proper accounting principles for grant funded projects.
- Monitor subgrantee financial reporting by analyzing quarterly reports.
- Perform on sight financial reviews of selected subgrant projects.
- Provide technical assistance upon request to agency staff, subgrant projects, and private & public agencies.

#### Technical Services:

To strengthen the justice system by collecting, analyzing and reporting data and information related to criminal justice.

- Produce statistical analysis and report annually in Crime in Montana, 10-12 special reports and 6 mini-reports.
- Collect MUCR/NIBRS data from at least 90% of law enforcement agencies for transmission to the FBI by April of each year.
- Coordinate the conversion of records from MUCR format to NIBRS format through 3 training sessions a year and 3 on site session a year.
- Maintain in house data bases of law enforcement training records, juvenile information, and grant information.
- Provide technical assistance to 3-5 criminal justice agencies a year.

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## Highway Traffic Safety

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### AUTHORIZATIONS:

23 U.S.C. 402.  
61-2-101, MCA.

The Governor is responsible for the highway safety program and exercises responsibilities through a state highway safety agency and plan.

61-2-107, MCA.

Reinstatement fees paid by drivers after conviction for Driving Under the Influence (DUI) is distributed quarterly to qualifying counties.

### GOALS & OBJECTIVES:

To reduce fatal and injury traffic accidents on the state's roadways by reducing speeding, drinking and driving, and by increasing the number of persons using protective devices.

(1 US & MT)

- Increase speeding tickets by 5,400.
- Convict 1.2% of licensed drivers for DUI'S.
- Reduce accident rates by 5%.
- Exceed 75% seat belt usage rate.

To expand local involvement in reducing alcohol-related accidents. (2-MT)

- Increase qualifying counties by one (1) each year.

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## Department of Justice

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### AGENCY LEGAL SERVICES AUTHORIZATION:

Numerous statutory requirements.

### GOALS AND OBJECTIVES:



#### Appellate Legal Services

- To represent the State of Montana in cases before local, state and federal courts. (1-MT)
- To enforce the laws relating to the reporting and collection of unclaimed or escheated property to the school trust fund.(1-MT)
- To provide legal assistance to local governments on bond issues. (2-MT)
- To provide the attorney general with legal research and analysis on questions submitted for an attorney general's opinion. (3-MT)

#### Indian Legal Jurisdiction

- To provide consistent and accurate advice to state agencies on questions of Indian law which affect agency operations. (1-MT)
- To defend state agencies when their actions are challenged in court because of jurisdictional conflict between state law and tribal law. (1-MT)
- To ensure a uniform state policy on Indian legal issues. (1-MT)

#### County Prosecutor Services

- To provide a variety of professional prosecution and training functions to federal, state, and local officials upon request and as authorized by the Attorney General. (1-MT)

#### **AGENCY LEGAL SERVICES AUTHORIZATION:**

Numerous statutory requirements.

#### **GOALS AND OBJECTIVES:**

##### Agency Legal Services:

To provide contracted legal services to state agencies at a reasonable cost, particularly where agencies need assistance with litigation. (1-MT)

#### **GAMBLING CONTROL DIVISION AUTHORIZATION:**

23-5-110, MCA	Public policy statement and general division activities.
23-5-113, MCA	Criminal justice agency designation.
23-5-115, MCA	General licensing and tax powers.
23-5-151, MCA	Gambling prohibited unless authorized.
23-5-425 and 631, MCA	Examination and approval of electronic gambling devices.
2-15-2021, MCA	Creation of Gaming Advisory Council.
16-4-207 and 16-6-101, MCA	Investigation of liquor license applications and related matters.

#### **GOALS AND OBJECTIVES:**

- To issue gambling licenses and permits to qualified applicants in an efficient and effective manner. (1-MT)
- To efficiently collect gambling taxes and permits and distribute these revenues in a timely manner. (1-MT)
- To examine and approve prototypes of electronic gambling devices and their modifications for operation in the State of Montana or in other jurisdictions that have contracted with the division for testing services. (1-MT)
- To protect the health, safety, and welfare of all citizens by regulating gambling.
- To provide adequate staff services to Gaming Advisory Council to permit the council to meet its statutory mandates. (3-MT)
- To ensure compliance with gambling laws and rules in an equitable and uniform manner. (1-MT)
- To provide investigative services to the Department of Revenue's Liquor Division.

**MOTOR VEHICLE DIVISION AUTHORIZATION:**

45-5-624, MCA	Minor in Possession
61-2-107, MCA	Re-instatement Fee
61-2-301-303, MCA	Driver Improvement Program
61-5-101 et seq, MCA	Driver Control
61-5-201 et seq, MCA	Cancellations/Revocations /Suspensions
61-5-206(3), MCA	Administrative Hearings
61-5-302, MCA	Unlawful use of License or ID card
61-5-303, MCA	False Affidavit
61-5-309, MCA	False License or ID Card
61-5-401, MCA	Driver License Compact
61-6-101 et seq, MCA	Responsibility of Vehicle Users and Owners
61-8 Parts 4&7, MCA	Implied Consent and Driving While Intoxicated
61-8-Part 8, MCA	Commercial License Suspensions
61-11-101-105, MCA	Reports of Conviction and Records
61-11 Part 2, MCA	Habitual Offenders
61-12 Part 5, MCA	ID Cards
49 U.S.C. 3102	Commercial disqualifications
61-3 Part 2, MCA	Vehicle Identification Number Inspection
Title XII Pub law 99-570, USC 504, 3102 and 3104	Commercial Drivers
61-5 Part 1, MCA	Driver Licensing
61-5-206(3), MCA	Administrative Hearings
61-5-301, MCA	Organ Donors
61-5-107, MCA	Voter Registration
61-8 Part 8, MCA	Commercial Drivers
61-11 Part 5, MCA	Identification cards
23-2 Parts 5, 6 & 8, MCA	Titling and registration of off-road vehicles.
44-4 Part 2, MCA	Confidential plates and registration.

61-3-101 et seq, MCA	Department records, lien filings and assignment of vehicle identification number (VIN).
61-3-301 et seq, MCA and CFR Part 580	Titling of vehicles, VIN inspections odometer disclosure and salvage vehicles.
61-3-301 et seq, MCA	Registration of vehicles.
61-3-401 et seq, MCA	Special registration of vehicles.
61-3-501 et seq, MCA	Titling pickup campers. Vehicle registration by mail.
61-4-101 et seq, MCA	Licensing of motor vehicle dealers.

## GOALS AND OBJECTIVES:

### Records and Driver Control:

To create and maintain records of all drivers using Montana's highways and streets including records of examination, license issuance or denial, violations, accidents, correspondence, changes of name or address, actions taken against the license or privilege to drive and medical or visual information.

- To create and maintain a records system (both manual and automated) containing in excess of one million records including the records of approximately 685,000 valid driver's licenses, 29,000 commercial driver licenses, 30,000 actions against driver's licenses or driving privileges, and adding to that system approximately 266,000 reports of conviction, 65,000 new drivers, 3,000 commercial drivers, 18,500 actions against driver's licenses or privileges and records of 3,500 accidents per year. (1-MT and US)

To administer revocations of driver's licenses and privileges against drivers and commercial drivers who have committed violations for which revocation is mandatory.

- To process approximately 5,000 mandatory revocations of all types annually. (1-MT and US)

To administer suspensions of driver's licenses and privileges against drivers and commercial drivers who have committed violations for which suspension is mandatory.

- To process approximately 8,500 mandatory suspensions annually. (1-MT and US)

To administer suspensions of driver's licenses and privileges against drivers and commercial drivers who have committed violations or other acts for which suspension is discretionary.

- To process approximately 2,600 discretionary suspensions annually. (2-MT and US)

To prepare materials for counselling sessions for the purpose of providing problem drivers with information regarding the future consequences of continued violation.

- To complete approximately 2,500 counselling sessions annually. (3-MT)

To prepare materials for administrative hearings in contested discretionary actions cases.

- To conduct approximately 50 contested case hearings annually. (2-MT)

To provide information regarding driver status and driver's records to authorized persons or agencies.

- To provide approximately 3,500 certified driver records annually to law enforcement, prosecution, defense and the courts.
- To respond to approximately 400,000 inquiries regarding driver status, violation and accident information to authorized users from automated and manual driver's records. (3-MT)

To collect and distribute reinstatement fees from drivers who have been revoked or suspended in cases involving a conviction involving alcohol.

- To process and distribute approximately \$350,000 in reinstatement fees. (3-MT)

To exchange driver record information with other jurisdictions and with Federal agencies to insure that only drivers who are qualified to operate a motor vehicle in the State of Montana are licensed.

- To exchange information with, or inquire of other jurisdictions regarding the status of drivers in approximately 150,000 cases annually. (1-MT and US)

#### Field Operations:

To provide all driver licensing, driver control and motor vehicle inspection services to each of the 56 counties in the state on a scheduled basis, requiring travel (approximately 375,000 miles annually) to and from the 45 counties which do not have a resident examiner. (1-MT and US)

To examine for original licensure or renewal and to issue licenses (including the mandatory provision of information regarding the ability to indicate a desire to become an organ donor or to register to vote) to approximately 130,000 drivers annually. (1-MT and US)

To conduct approximately 50 Administrative Hearings in contested discretionary actions cases annually. (2-MT)

To investigate and collect information on approximately 200 medical cases and 250 applications for under-age licensure annually. (2-MT)

To inspect approximately 1,500 vehicle identification numbers on salvage vehicles and vehicles which have been identified through the registration and titling system as having an incorrect number. (2-MT and US)

To provide individual and group counselling for approximately 1,250 problem drivers annually. (3-MT)

To conduct approximately 350 special examinations or investigations annually for those drivers who have developed a physical or medical problem since the last renewal or who have been reported as having a driving problem. (2-MT)

To provide training to the examining staff on a continuing basis covering changes in licensing procedures and laws. (3-MT and US)

To provide identification cards and/or special licenses to approximately 3,500 individuals each year. (2-MT)

To provide information to the public regarding the testing procedures and licensing requirements to obtain a Montana basic or Commercial license, motorcycle endorsement or identification card through the publication of a Driver's Manual, a Commercial Operator's Supplement and a Motorcycle Operator's Manual. (2-MT and US)

#### Title And Registration:

To provide for the registration of approximately 59,000 boats, snowmobiles and off-highway vehicles.

- To title new off-road vehicles and re-title approximately one-third of the registered vehicles.
- To provide for the renewal of off-road vehicles by mail. (3-MT)

To issue approximately 250 confidential plates and registrations each year to law enforcement agencies. (2-MT)

To provide for the recording and maintenance of approximately 2,500,000 vehicle records.

- To access the records to fill approximately 71,000 information requests each year.
- To file 169,000 liens and issue a Notice of Lien Filing to the secured party.
- To assign 4,500 vehicle identification numbers each year to vehicles with missing VIN's and homemade vehicles. (1-MT)

To issue approximately 400,000 titles for new and used vehicles.

- To provide for the surrender of titles for approximately 1,000 salvage vehicles and to inspect approximately 1,800 rebuilt salvage vehicles each year.
- To provide for the disclosure of odometer readings as required by federal and state law. (1-MT and US)

To provide for the registration of approximately 900,000 motor vehicles each year. (2-MT)

To provide for the issuance of 17,000 special license plates each year. (3-MT)

To provide for the titling of approximately 300 pickup campers per year.

- To mail 650,000 motor vehicles registration-renewal notices each year to vehicle owners. (3-MT)

To license and regulate 1,327 motor vehicle dealers.



- To investigate complaints and audit records to ensure compliance with Montana laws. (2-MT)

To provide on-site training to approximately 250 county treasurer's employees in titling and registration of vehicles and the operation of the automated system. (2-MT)

To make in-depth investigations of motor vehicle fraud and theft cases in assistance to local law enforcement. (2-MT)

To provide all necessary forms and informational material to each of the County Treasurers for the purpose of registering and titling vehicles including forms needed to file or release liens on vehicles and to obtain duplicate titles or license plates. (1-MT)

#### **HIGHWAY PATROL DIVISION AUTHORIZATION:**

44-1 part 1, MCA	General provisions
44-1 part 2, MCA	Highway Patrol Chief
44-1 part 3, MCA	Powers and duties of Chief relating to Officers
44-1 part 4, MCA	Appointment of Patrol Officers
44-1 part 5, MCA	Salaries and expenses
44-1 part 6, MCA	Probationary status and tenure
44-1 part 7, MCA	Disciplinary action - preliminary procedures
44-1 part 8, MCA	Disciplinary action hearing and decision
44-1 part 9, MCA	Disciplinary action appeal to court
44-1 part 10, MCA	Jurisdiction of Patrol Officers
44-1 part 11, MCA	Procedure for arrests
44-11-101, MCA	Mutual assistance authorized
61 Title 1 MCA	Motor Vehicles
44-2-301/316, MCA	Teletypewriter communication system
Title 28, Part 20	Federal Judicial Administration, Criminal Justice Information Systems, Federal Communications Commission (FCC), Rules and Regulations, Part 90 Private Land Mobile Radio Services
44-1-601, MCA	Probationary training and service of Patrol Officers
44-1-1005, MCA	Authorizes the State to adopt, by rule, standards for safe operation of motor carriers. General provisions of Motor Carrier Safety Program.
23.5.101, ARM	Transportation of hazardous materials
23.5.102, ARM	Adopt Title 49, Code of Federal Regulations
23.5.103, ARM	Application of safety rules to lightweight vehicles.
23.5.104, ARM	Exemption from certain standards for local drivers.

23.5.105, ARM	Implement safety inspection program
23.5.106, ARM	Membership in Commercial Vehicle Safety Alliance.
23.5.107, ARM	Critical item inspection (define critical items).
23.5.108, ARM	Inspection report procedures.
23.5.109, ARM	Out of service orders.
23.5.110, ARM	CVSA decal procedures.
23.5.111, ARM	Location of inspections
F/MCSR Title 49: Subchapter B, parts 387, 390 through 397	Federal Safety Regulations.
Subchapter B and C, parts 171 through 199	Federal Hazardous Materials Regulations.
44-1 part 10, MCA	Jurisdiction of Patrol Officers
44-1 part 11, MCA	Procedure for arrests
44-11-101, MCA	Mutual assistance authorized
61 Title MCA	Motor vehicles

## GOALS AND OBJECTIVES:

### Operations:

The office of the Chief of the Highway Patrol performs policy making and administrative functions for the Division. The chief also directs the planning, organizing and control of the 273.25 FTE (including Recruit Schools).

- To set standards of performance, provide professional leadership and management, monitor effectiveness and efficiency of the various Division programs. (1-MT)

### Field Forces Bureau:

This bureau performs the line function of the organization and is responsible for planning, analysis, inspection and coordination of the agency's traffic enforcement activities.

- To provide for public safety through enforcement of traffic laws and engineering recommendations. (1-MT)
- To provide traffic safety education to the public. (3-MT)
- To provide assistance to other state, county and local law enforcement agencies as requested. (1-MT)
- To act as the enforcement arm of the Motor Vehicle Division. (3-MT)
- To assist the courts through service of legal papers, testifying in criminal cases. (1-MT)
- To provide an efficient and reliable law enforcement communication system that provides assistance and information to the Montana Highway Patrol, criminal justice agencies and other branches of state government. (2-MT)

### Fleet, Supply and Engineering Services Bureau:

This bureau is responsible for all purchases, distribution, inventory, and maintenance of division supplies and equipment. Responsible for engineering design, installation and maintenance of division communications system. (1-MT)

Records and Computer Support Bureau:

This bureau is responsible for receiving, maintaining and controlling all required field and communications reports. Responsible for micro computer support for the division. (1-MT)

Personnel and Training Bureau:

This bureau is responsible for the personnel, training and safety education functions for the employees within the division. (3-MT)

Highway Patrol Recruits:

To provide each recruit, through training and instruction, with the basic knowledge and skills necessary to perform the functions required of a highway patrol officer. (1-MT)

- To train and maintain a reserve force to meet the expected vacancies of officers due to retirement and other terminations. The projected vacancies for the next biennium is 30.

Motor Carrier Safety Assistance Program:

To reduce the number of accidents involving commercial motor vehicles through the inspection of vehicles and drivers. (1-MT)

To provide training for other agencies involved in commercial vehicle safety enforcement. (3-US)

To conduct three training sessions in FY94 and two sessions in FY95.

To provide assistance to members of the motor carrier industry in the area of commercial vehicle safety. (3-US)

Accident Prevention Unit:

To reduce the number of accidents in targeted high accident areas through saturation patrol and enforcement techniques. (3-MT)

To maintain Montana's compliance with federal speed limit regulations. (3-MT)

To provide assistance to the motoring public. (3-MT)

**LAW ENFORCEMENT SERVICES DIVISION AUTHORIZATION:**

2-15-2005, MCA	State Fire Prevention and Investigation Program - Advisory Council
50-3-101-109, MCA	State Fire Prevention and Investigation Program
50-39-101-105, MCA	Fire Protection Equipment
50-61-101-121, MCA	Fire Safety in Public Buildings
50-62-101-111, MCA	Fire Hazards
50-63-101-405, MCA	Fire Investigation
44-2-201, MCA	State System of Criminal Identification
44-5-101-405, MCA	Criminal Justice Information
Title 28, Federal Register	Criminal History Records
44-2-115, MCA	Powers and Duties of Agents
5-13-309, MCA	Legislative Auditor
23-5-1013(b), MCA	Lottery

**GOALS AND OBJECTIVES:**Fire Prevention and Investigation Bureau:

To provide a high-quality fire prevention program which will identify hazards and make information available, thereby resulting in improved life/safety of commercial and public buildings and residences. (1-MT)

- To conduct inspections of schools, commercial and government buildings and other structures to identify fire code violations and work with owners to ensure corrections are completed.
- To coordinate and make available public fire education programs to enhance awareness and use of reasonable precautions.

To provide high-quality fire investigation services which focus on providing the technical expertise in cause and origin determination to local fire and law enforcement agencies. (2-MT)

- Respond to requests to investigate "priority" fire investigations which involve a death, serious injury or excessive property damage (in excess of \$200,000) within one hour of the incident.
- Respond to requests to investigate other fires, with the approval of the Bureau Chief, within established time frames.

To improve the efficiency of the licensing program to ensure sprinkler, alarm, extinguisher and other fire protection equipment is supplied by a reputable dealer and will perform to expectations of the purchaser. (2-MT)

- Develop and initiate an annual renewal program and update licensing requirements to include levels of competency testing.

To accurately and efficiently record data in the Montana Fire Incident Reporting System and provide quality data to local, state, and federal agencies. (2-MT)

- Increase the number of reporting fire departments by 10% by the end of the biennium.

To provide training to fire and law enforcement personnel on fire safety inspection procedures, fire investigation and fire incident reporting. (3-MT)

- Make available 24 training sessions in the state per each year of the biennium.

Criminal History Records Program:

To collect in a timely manner and accurately record, store and disseminate criminal history information for use in investigation of crimes, sentencing of criminals and protection of private employers. (1-US, MT)

- Maintain and, if possible, increase the current 95 per day record submissions and accurately enter the data into the criminal history records automated system through use of a Montana Arrest Numbering System (MANS), and follow up with local agencies.
- Make available accurate and complete information to law enforcement and authorized entities in an expeditious manner.
- Ensure the dissemination of confidential criminal history information follows established laws and procedures.

To provide an automated system of comparison and identification by fingerprints to aid in the resolution of criminal offenses and the identification of persons with a criminal record. (1-MT)

- Operate an automated fingerprint identification system (AFIS) by enabling the program to search, by fingerprints, criminal history records throughout the Western United States, including Montana's 101,000 files, with access to at least 14,000,000 records.
- Complete latent comparisons of suspected criminals through AFIS in support of law enforcement agencies, without known descriptive information, by entering, comparing, and storing fingerprints lifted from crime scenes.

To provide training for Montana Law Enforcement Agencies in criminal records systems, fingerprinting, lifting finger prints and latent comparison to assist law enforcement in collection, storage and dissemination of



criminal history information and support continued submission of criminal history records. (3-MT)

- Instruct six to ten classes per year at The Montana Law Enforcement Academy.
- Provide five regional training schools per year and respond to individual agencies upon request.

#### Criminal Investigation Bureau:

To maintain a trained and experienced staff in order to provide immediate and effective investigative resources to resolve complex and often controversial alleged criminal acts in a timely manner. (1-MT)

- To provide investigative assistance in response to requests from local law enforcement agencies regarding felony offenses which occurred in their jurisdiction.
- To provide competent, timely and effective investigations into allegations of theft of state property or monies when reported to the attorney general by the legislative auditor.
- To investigate allegations of theft referred to the bureau by the State Worker's Compensation Mutual Insurance Fund and seek prosecution of those committing fraud so as to preserve the integrity and solvency of the fund.
- To assist the Montana Lottery Director in the investigation of reports of violation of law concerning the Montana Lottery.

To provide a statewide criminal intelligence system for law enforcement agencies to facilitate the flow of criminal intelligence among law enforcement agencies throughout the state. (2-MT)

- Upgrade and automate existing files to improve the accuracy and usefulness of criminal intelligence records.
- Explore the feasibility of statewide interchange of intelligence information with other law enforcement agencies.

To maintain undercover investigative teams capable of conducting investigation of offenses concerning dangerous drug laws. (1-MT)

- To assist federal, state and local law enforcement agencies in the investigation of the distribution, importation, cultivation and manufacturing of illegal drugs within the State of Montana.
- To conduct pro-active (covert) and re-active investigations of offenses involving dangerous drugs through the use of undercover teams which can respond as needed in support of local efforts, whether in rural or more urban areas.
- To conduct multi-jurisdictional and conspiracy dangerous drug investigations to ensure all subjects involved in illegal transactions are discovered and referred for prosecution.

To provide training to law enforcement agencies regarding investigative techniques, including basic dangerous drug investigative methods. (3-MT)

- Instruct law enforcement personnel in drug investigation technique at the Montana Law Enforcement Academy during each basic training class.
- Respond to requests for specialized training at the academy, regional schools or individual agencies.

#### **COUNTY ATTORNEY PAYROLL AUTHORIZATION:**

7-4-2502 MCA

Payment of salaries of county officials. Provides that the state shall pay one-half of the county attorney's salary from the general fund.

#### **GOALS AND OBJECTIVES:**

To have a formal document on file from each county authorizing the current year's salary, prior to payment.

#### **LAW ENFORCEMENT ACADEMY AUTHORIZATION:**

44-10-1, 2, 3, MCA

Establishes the Montana Law Enforcement Academy and outlines the general principles of government and attendance.

7-32-303, MCA

Employment, certification and equivalency standards for Montana police officers, other statutes affect academy

training for coroners, public safety communicators, park rangers and probation/parole officers.

23.13.400, ARM

Peace Officers Standards and Training (POST), further defines academy functions and requirements.

23.17.1, 2, 3, ARM

Admission requirements and performance standards for basic training for entry level peace officers.

#### **GOALS AND OBJECTIVES:**

To provide Montana law enforcement officers and other qualified individuals with a means of securing training in the field of law enforcement.

To operate and maintain adequate residential, training and library facilities which promote high quality, cost-effective police education and training within a healthy and professional environment. In 1992, there were 1,562 sworn officers and 769 civilians employed by police agencies in Montana. (1-MT)

To conduct an appropriate number of mandated entry level law enforcement and detention officer certification programs (Basic Programs) sufficient to meet the needs and schedules of local, state and federal agencies now operating in Montana (130) and to train new officers (220 each year) in an accepted, effective and timely manner that encourages desired behavioral change. (1-MT)

To increase the percentage of pre-service students who attend training at their own expense so that costs to local governments can be reduced and the selection and retention process for Montana police can be streamlined and improved. (1-MT/ARMS)

To provide continuing education for the certified reserve officers who currently serve in Montana (441 additional officers). (3)

To increase the percentage of training hours instructed by full time academy staff and to identify, train and develop carefully selected individuals to serve as part-time instructors who can assist within academy programs and further improve training programs conducted by local agencies. (1-MT)

To maintain and support the current number of regional training programs being offered in local communities, to ensure a diversity of regional training opportunities sufficient to address new enforcement problems as they emerge, and to maximize quality assurance measures for regional programs as they are schedules. (1-ARMS)

To develop and offer a standardized curriculum of core professional programs which meet the advanced training needs of senior officers and agency administrators. (2-ARMS)

To identify and offer a small number of new and innovative training programs which address anticipated changes within society and the profession, especially programs that cannot be easily managed as regional training sponsored by local agencies. (3-ARMS)

To host, instruct, and support specialized courses designed for associated agencies (coroner, GVW, park rangers, probation/parole) who have been designated by the legislature to receive training at the academy, and to provide centralized meeting facilities for use by associated citizens and public safety providers. (3-MT)

To develop and offer a standardized curriculum of legal programs which meet the advanced training needs of senior officers and agency administrators, and which will reduce errors leading to case dismissal and exposure to liability. (1-ARMS)

To maintain a staff legal officer who can instruct specialized legal topics and programs, and provide consistent update and review for the legal aspects of all academy programs. (1)

To support the Department of Justice with prosecutorial assistance and training thereby ensuring that the academy legal curriculums are current and relevant to existing professional and social problems. (1)

## **CENTRAL SERVICES DIVISION AUTHORIZATION:**

17-7 & 8 MCA

Budgeting, Appropriations and accounting matters.

2-18 MCA

State employee classification, compensation and benefits.

## **GOALS AND OBJECTIVES:**

To establish and maintain department-wide fiscal responsibility on behalf of the attorney general. (2)

To promptly process claims for vendor payments following the rules and regulations of the Statewide Budgeting and Accounting System (SBAS). (1)

To process timesheet information culminating in the issuance of employee paychecks. (1)

To provide professional personnel services regarding recruitment & selection, disciplinary handling, delegated classification authority, personnel policy development and the department affirmative action plan. (3)

To oversee the department-wide budget preparation process. Providing committee testimony and monitor the progress of legislative budget bills. (2)

To prepare legislative fiscal notes. (3)

## **COMPUTER SERVICES & PLANNING DIVISION AUTHORIZATION:**

44-2-301, MCA

Establishes a permanent law enforcement teletypewriter communications network for the purpose of connecting federal, state, county, and city law enforcement agencies by teletype.

44-2-302, MCA

Authorizes the attorney general's office to acquire equipment and employ personnel to carry out the provisions of 44-2-301.

## **GOALS AND OBJECTIVES:**

### Criminal Justice Information Network:

Provide Montana law enforcement agencies with a telecommunications link to state and federal criminal justice data bases, and to other law enforcement agencies. (1-MT)

- Continue to work with the Department of Administration, the FBI, and the National Law Enforcement Telecommunication system to ensure maximum connectivity and response time to users of the system.

Ensure that Montana terminal agencies comply with federal and state policies and security standards associated with access of criminal justice data bases. (1-MT)

- Provide the maximum number of training hours both on site and through certification of operators via self-study work books.

Ensure that the information entered into the law enforcement data bases is as timely and accurate as possible. (3-MT)

- Continue to provide quality control through the agency validation process and the review of entries made into the system.
- If we were to eliminate this process we would no longer review agency validations as they come into our office and other quality control procedures, but would rely on NCIC audits to determine if our state is in compliance with their policies. We would also have to transfer network problem resolution to our operations section. Other cost saving measures would be to have the agency provide their own equipment and carry the maintenance.



#### Operations Section:

To provide a safe, secure and reliable processing environment for the department's critical computer applications. (3)

- Continue to review present policies and procedures and develop new ones as required to protect the department's data.
- All Department of Justice applications would run on the Department of Administration computer.

Ensure that the department's direction in the development of local area and wide area networks and use of micro technology is consistent with department goals and state standards. (2)

- Provide the department with support in designing and installing local and wide area networks and review all data processing equipment requests.

Provide prompt, courteous problem resolution support for the more than 600 users of the department's systems. (2)

- Continue to staff and train the problem resolution support section in the latest network and equipment trouble identification procedures so the system users will experience minimum down time.

#### Application Development Section:

To provide automated data storage and retrieval systems that can provide reliable information for management decisions. (1)

Respond to all requests for changes to the application programs that will improve data quality, ease of program use or enhance reporting capabilities in a timely manner.

Provide automated means of meeting the ever increasing work loads in the department in the most efficient manner possible. (3)

- Continue to have to programming staff analyze and evaluate all functions in the department for possible efficiency to be gained through automation.
- If we were to eliminate new application development it would be the responsibility of the various program managers to secure funding for new development and then either contract with Department of Administration for programming support or contract with a private vendor.

#### **EXTRADITION AND TRANSPORTATION OF PRISONERS AUTHORIZATION:**

7-32-2144 MCA

Mileage and expenses of sheriff to be paid by the Attorney General for delivery of prisoners and mentally ill persons to Montana detention centers and state mental health facilities.

46-30-411 MCA

The expenses of bringing fugitives back to this state are to be paid to an agent of the Governor by the Attorney General out of the state treasury.

#### **GOALS AND OBJECTIVES:**

To process claims in a timely fashion and to explore methods of cutting transportation costs.

#### **FORENSIC SCIENCE DIVISION AUTHORIZATION:**

44-3-101, MCA

Montana Forensic Science System Act

46-4-101, MCA

Jurisdiction - death and cause of death in different counties.

46-4-103, MCA

Autopsy - when conducted, scope.

61-8-404, MCA

Evidence admissible - conditions of admissibility.

61-8-405, MCA

Administration of tests.



## GOALS AND OBJECTIVES:

- To provide for a timely, efficient and objective analysis of physical evidence in felony criminal cases. (1-MT)
- To provide for a timely, efficient and objective analysis of physical evidence in misdemeanor criminal cases. (1-MT)
- To provide for an efficient and effective death investigation system. (1-MT)
- To expand laboratory technology and expand and improve the investigative and analytical capabilities of laboratory personnel. (1-MT)
- To improve and expand the crime scene investigative capabilities available to state and local jurisdictions. (3-MT)
- To provide expert testimony in court regarding forensic matters in felony criminal cases at state expense. (3-MT)
- To provide expert testimony in court regarding forensic matters in misdemeanor criminal cases at state expense. (3-MT)
- To provide training to state and local criminal justice personnel in the area of evidence collection and management, forensic autopsies, death investigations, breath testing and crime scene investigations. (2-MT)

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## Public Service Commission

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### GOALS AND OBJECTIVES:

The responsible regulation of the public utility, motor carrier, and railroad industries to provide safe, reliable, and adequate services at the lowest achievable cost to the consumers, while concurrently providing the regulated industries with a fair and reasonable return on their investment for the services rendered. (1) MT

#### Utility Division:

- To exercise the full power of supervision, regulation, and control of utilities as defined in 69-3-102, MCA.
- To prescribe rules of procedure for the fair, efficient, and expeditious handling of matters brought before the commission.
- To ensure that every public utility furnishes reasonable adequate service and facilities, and the charge made by any public utility for its product or service is just and reasonable.
- To ascertain property values of every public utility actually used and useful for the convenience of the public.
- To prescribe a uniform system of accounts of all business transacted by every public utility.
- To receive annual reports of the business of every public utility.
- To examine for correctness the accounts, books, records, and papers of public utilities.
- To prescribe for each kind of public utility suitable and convenience commercial units of product or service.
- To fix adequate and serviceable standards for products or services rendered by any public utility, and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.
- To provide for the examination and testing of any and all appliances used for measuring of any product or service of any public utility.
- To establish all rates, tolls, and charges in effect for any public utility. •
- To prescribe classifications of the service of all public utilities.
- To inquire into the management of the business of all public utilities.
- To authorize by order of the commission, public utilities issuance of stocks, stock certificates, or other long-term securities.
- To investigate and hold hearings upon a complaint made against or by any public utility.

- To ensure that only those advertising and contribution expenses allowed by statute are included in customer rates of any public utility.
- To enforce all rates, fares, charges, classifications and joint rates fixed by the commission.
- To investigate and make inquiry into every accident occurring in the operation of any public utility in this state, resulting in death or grave injury to any person.
- To ensure every public utility complies with all lawful requirements and orders of the commission.
- To conduct inspections of all intrastate natural gas pipeline utilities to ensure compliance with the minimum safety standards of the Office of Pipeline Safety Operations (OPSO) in accordance with the provisions of the Natural Gas Pipeline Safety Act of 1968.
- To promote the efficient use of energy by utilities and their customers.
- To regulate common carrier pipelines of crude petroleum, coal or the products thereof with regard to establishing rules and regulations, the setting and enforcement of rates and the collection of reports and tariffs required to be filed by the pipelines.
- To maintain the universal availability of telecommunication services at affordable rates. To the extent that it is consistent with maintaining universal service, competition in the telecommunications industry shall be encouraged.
- To enforce and interpret the standards of the National Electrical Safety Code.
- To establish rates and conditions of service under which electric utilities may purchase power from qualifying small power production facilities.
- To adopt integrated least cost planning rules, if the Commission considers them necessary, that will require electric or natural gas utilities to prepare and file plans for meeting the requirements of customers in the most cost effective manner that is consistent with the obligation to serve.

#### Transportation Division:

- To supervise and regulate every motor carrier and railroad company operating in Montana.
- To fix specific, just, reasonable, equal and nondiscriminatory rates, fares, charges and classifications for Class A and Class B motor carriers and all rail carriers.
- To regulate the properties, facilities, operations, accounts, service, practices and affairs.
- To require the filing of annual and other reports, tariffs, schedules, or other data by motor and rail carriers, and to supervise and regulate carriers in all matters affecting the relationship between said carriers and the traveling and shipping public.
- To fully secure adequate motor transportation facilities for all users of such service, and to secure the public advantages thereof, the Commission shall encourage a system of common carrier motor transportation within the state for the convenience of the shipping public.
- To prescribe, by general order or otherwise, rules and regulations in conformity with the motor carrier and rail acts applicable to any and all motor and rail carriers.
- To appoint a supervisor who shall direct all enforcement activities, including the investigation and prosecution of violations of the motor carrier act or the rules, regulations or orders prescribed thereunder by the Commission.
- To approve interchange agreements between authorized common carriers.
- To approve motor carrier certificate leases.
- To approve, deny, terminate or modify motor carrier agreements. (Tariff Bureaus)
- To retain on file copies of every rail carrier's and Class A & B motor carrier's rates, and any and all tariff provisions relating thereto.
- To review and approve applications for sale or transfer of certificate.
- To train and continually update information to the Highway Patrol Bureau and the Motor Carrier Services Division for enforcement of the Motor Carrier Act.
- To require all Class C motor carriers to file with the Commission the names and addresses of all persons, firms, corporations or other legal entity with whom the carrier has executed a contract, charter, agreement or undertaking for the distribution, delivery or collection of wares, merchandise or commodities, or transporting persons.
- To review, conduct hearings on, and determine the need for additional certificates or Public Convenience and Necessity for proposed transportation services.
- To ensure compliance of regulated motor carriers to the statute concerning insurance coverage.
- To insure the regulated safety of all rail carriers operating within this state.
- To establish a maximum and minimum rate for Class C motor carriers when deemed appropriate by the Commission, and insure the Class C carriers collect rates which fall within the maximum and minimum rates so established.
- To insure that all motor and rail carriers collect the approved rates.
- To notice, analyze and act upon all requests for rate increases applied for by regulated carriers.

- To insure compliance relating to regulations for protection of livestock and agricultural resources by rail carriers.
- To insure compliance relating to statutes and regulations for protection and safety of railroad personnel.
- To inspect all rail trackage for compliance with Federal Railroad Administration standards.

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## Board of Public Education

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### AUTHORIZATION:

Article X, Sect. 9, MT Const.

Section 2-15-1507, 2-15-1522, MCA

### GOALS AND OBJECTIVES:

- To cause the formation and revision of public policy in areas that may be included under the Board's constitutional mandate to exercise general supervision over the public schools of the state.
- To meet jointly with the Board of Regents and the Governor as the Board of Education to prepare a joint budget for education, to enter into long-range planning and to evaluate the policies and programs for the public educational systems of Montana.
- To provide administrative and informational support for the members of the Board of Public Education.
- To establish and execute the enforcement of the school accreditation standards.
- To establish the rules for the issuance of teacher, administrator, and specialist certificates.
- To hold hearings for and execute, when necessary, the revocation and suspension of teacher, administrator, specialist certificates.
- To establish the program standards for teacher education in the institutions providing preparation for teachers in Montana.
- To act as an information source for other governmental agencies and the public on questions concerning the public schools.
- To provide administrative and staff support for the Certification Standards and Practices Advisory Council.

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## Commissioner of Higher Education

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### ADMINISTRATION AUTHORIZATIONS:

Article X, Sect 9, MT Constitution

Section 2-15-1506, MCA

### GOALS AND OBJECTIVES:

- Function as staff to the Board of Regents.
- To provide the University System and Vocational-Technical Centers with academic planning and curriculum review.
- To make budgetary recommendations and provide for budgetary review which will ensure that the University System is provided with adequate and stable funding.
- To promulgate accounting policy and review system-wide management information and accounting systems to ensure that the University System is accountable for their activities, expenditures, and the discharge of their responsibilities.
- To provide legal services for the Regents and the campuses.
- To set policies and procedures relating to labor negotiations.
- To negotiate and settle labor contracts in the best interests of the University System.
- To perform facilities planning and make recommendations to the Board of Regents and the legislature.
- To coordinate the community colleges in accordance with state statutes.
- To maintain and review Regent policies.



- To provide a reporting system and copies of subsequent reports concerning official student FTE statistics at each campus of the University System.

#### **STUDENT ASSISTANCE AUTHORIZATIONS:**

Title 20, Chapters 25 and 26, MCA

State Student Incentive Grant - P.L. 89-329, Title IV, Part A, Subpart 3, as added by P.L. 99-498

Paul Douglas - Higher Education Act of 1965, as amended.

#### **GOALS AND OBJECTIVES**

- To provide access for Montana students to quality professional programs not available in Montana public institutions.
- To encourage talented Montana students and talented Montana minority students to choose careers in professional fields.
- To encourage medical students to choose careers in primary care medicine and to locate their practices in non-metropolitan areas.
- To obtain and distribute the maximum federal dollars available to assist students in Montana's postsecondary education system.
- To obtain and distribute any necessary State matching dollars required in order to qualify for federal student assistance programs.
- To report to federal oversight agencies concerning federal monies.
- To supplement the federal work study program with state work study in order that more Montana students will qualify for work study jobs.

#### **DDE MATHEMATICS AND SCIENCE ED AUTHORIZATIONS:**

Title 20, Chapter 15, MCA

P.L. 100-297 (Title II, Part A of the Dwight D. Eisenhower Mathematics and Science Education Act of 1988)

#### **GOALS AND OBJECTIVES**

- To provide inservice training for elementary, secondary and vocational school teachers to improve their teaching skills in the fields of mathematics and science.
- To retrain teachers who are currently teaching without proper certification in mathematics and science.
- To retrain teachers who are currently teaching in other disciplines to specialize in teaching mathematics and science.
- To establish traineeship programs for new teachers who will specialize in mathematics and science.

#### **MUS GROUP INSURANCE PROGRAM AUTHORIZATIONS:**

2-18-702, MCA

#### **GOALS AND OBJECTIVES**

- To provide a cost effective employee group benefits program similar in costs and design to colleges and universities in the nation, which will enable the University System to attract and retain qualified faculty and staff to serve the higher education needs of Montana.
- To promote the health of employees and dependents through a comprehensive wellness program.
- To comply with federal laws and IRS rules and relevant state laws governing employee benefits.
- To provide protection from catastrophic health care expenses.
- To administer the plan on an actuarially sound basis.
- To manage the plan in the best interests of the employees of the University System through the involvement of employees on inter-unit advisory committees.



## **TALENT SEARCH AUTHORIZATIONS:**

Title 20, Chapter 25, MCA

P.L. 99-498 as amended (Title IV Higher Education Act of 1965 Subpart 4)

### **GOALS AND OBJECTIVES**

- To provide information and counseling with a career and educational emphasis to low-income, potential first-generation college students.
- To increase the probability of participants completing secondary school.
- To increase the probability of participants being admitted to postsecondary school.
- To increase the probability of participants being readmitted to secondary or postsecondary school.

## **C.D. PERKINS ADMINISTRATION AUTHORIZATIONS:**

P.L. 101-392 Carl D. Perkins Vocational and Applied Technology Education Act of 1990

### **GOALS AND OBJECTIVES**

- To administer the federal funds for vocational education by providing technical assistance, grants management, performance reviews, civil rights compliance monitoring, and annual performance and compliance monitoring reporting for the use of federal funds in support of vocational education in Montana.
- To increase student work skill attainment and job placement.
- To increase linkages between secondary and postsecondary educational institutions.
- To improve the ability of eligible recipients to meet the needs of special populations with respect to vocational education.
- To improve the ability of vocational curriculum, equipment, and instructional materials to meet the demands of the workforce.

## **GUARANTEED STUDENT LOAN PROGRAM**

### **GOALS AND OBJECTIVES**

- To provide quality service to borrowers, educational institutions, and lenders in a manner which complies with federal and state regulations in order to ensure participants receive timely and accurate information.
- To provide participant assistance and reduce the confusion and complexity inherent in the program.
- To maintain an annual default rate that does not exceed 2.8% in any federal fiscal year in order to help ensure the integrity of the program is maintained and that school and lender participation is retained.
- To increase annual recoveries from defaulted accounts by 5 % per fiscal year to reduce the net national budget allocated to the program and help restore program integrity.
- To implement a training program for staff development which will enable staff to maintain quality performance in meeting constant changes in program regulations and technology.
- Provide yearly workshops for program participants to enhance program knowledge and compliance with regulations.
- Provide quarterly staff training to ensure compliance with program regulations.
- Assign 60 % of all first placement, defaulted student loans to in-house collection unit.
- Increase volume of loan recoveries on defaulted accounts by 5 % in each fiscal year.
- Maintain all paper documentation produced or received by the agency on the optical disk imaging system.

## **BOARD OF REGENTS AUTHORIZATIONS:**

Article X, Sections 9 and 10 of the  
Montana Constitution  
20-25-301, 20-16-101, 2-15-1505, MCA

## GOALS AND OBJECTIVES

- To supervise, coordinate, manage, and control the units of the Montana University System.
- To supervise and coordinate Montana's three community colleges.
- To adopt rules, not inconsistent with the constitution and the laws of the state, for the governance of post secondary education which are proper and necessary for the execution of the powers and duties conferred upon the Board of Regents by law.
- To grant diplomas and degrees to the graduates of the University System.
- To adopt standards for courses and programs in post secondary education.
- To establish student entrance and graduation requirements.
- To establish student tuition and prescribe the bases and limitations for charging of fees, taking into account funding available from all other sources.
- To adopt budget requests for post secondary education.
- To approve annual operating budgets for post secondary education and subsequent changes to the budgets.
- To establish uniform policies for recordkeeping, financial transactions, accounting, maintenance, recruiting, guidance, placement of students, examination, and personnel relations.
- To appoint presidents, directors, faculty and any other necessary officers, agents, and employees, and to fix their compensation.
- To prevent unnecessary duplication of courses and programs.
- To work with all post secondary institutions in Montana to implement the transfer of course credits.

Due to the extensive restructuring of the University System, the missions, goals and objectives were not complete at the time of publication of the Governor's Executive Budget Book. A current copy of the University System missions, goals and objectives will be available in the Office of Budget and Program Planning office in January 1995. The units affected are:

### Montana State University (MSU):

MSU - Bozeman  
MSU - Billings  
MSU - College of Technology, Billings  
MSU - Northern  
MSU - College of Technology, Great Falls

### University of Montana (UM)

UM - Missoula  
UM - College of Technology, Missoula  
Montana Technology of the UM  
UM - Division of Technology, Butte  
Western Montana College - UM  
UM - College of Technology, Helena

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## Agricultural Experiment Station

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### GOALS AND OBJECTIVES:

The goal of the MAES is to enhance the social and economic well-being of the state, national and international communities through research programs addressing problems facing crop and livestock producers and consumers of agricultural products.

Research is conducted to improve the competitive position of Montana farmers and ranchers; and to ensure the safety, wholesomeness and cost-effectiveness of agricultural production principles and techniques applicable to semi-arid and intermountain regions throughout the world. Considerable research activity is also conducted on land owned by Montana farmers and ranchers.

Research projects relating to agricultural activities and other uses of natural resources are undertaken to enhance knowledge of the social, environmental and economic impacts of agricultural production activities and

policies, to make research finding relevant and useful in their applications to the problems and choices facing the state, and to disseminate research findings in a understandable manner to other scientists and private citizens.

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## Cooperative Extension Service

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### GOALS AND OBJECTIVES:

The goals of the Cooperative Extension Service are the following;

- to improve the competitiveness of Montana agricultural producers in the national and global environment;
- to develop the life skills of Montana youth to help them achieve their greatest potential; and
- to provide education and research-based information to Montana citizens to enable them to make wise decisions with regard to their businesses, their personal lives and the lives of their communities.

The objectives of the Extension Service are to enable Montana citizens, through education, to make decisions which enhance the quality of their lives by having impact in the following areas:

- pollution prevention through the protection of water quality and the proper disposal of solid waste;
- improved economic health of communities through the provision of skills for planning and understanding the dynamics of community health;
- improved health of citizens through proper nutrition and food safety practices;
- reduced problems among youth related to poor parenting and to the inability to make informed decisions; and
- increased profitability in the agriculture sector as a result of improved practices which reduce inputs while protecting the environment.

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## Forestry & Conservation Experiment Station

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### GOALS AND OBJECTIVES:

The Forest and Conservation Experiment Station seeks to provide public and private land managers and interested citizens with the information needed to attain the highest economic and social benefits from the forests of the State and to insure good stewardship of Montana's lands.

During the 1995 Biennium the Forest and Conservation Experiment Station will:

- continue to identify the most critical natural resource management information gaps and carry out the needed research on a range of topics including:
  - natural resource analysis and planning;
  - resource policy and conflict resolution;
  - measurement and management of timber resources;
  - wildlife conservation and habitat management;
  - good stewardship on private forest lands;
  - management of forested watersheds;
  - tourism and outdoor recreation development and management;
  - fire, insect, and disease management; and
  - wood science, product development, and secondary manufacturing.
- Summarize research results in a form useable by public resource managers, private forest land owners and other interested citizens of Montana.
- Disseminate research results and management implications through written publications, public meetings, workshops, short-courses, and personal interaction with resource managers.



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## School for the Deaf and Blind

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### GOALS AND OBJECTIVES:

To provide parent services inclusive of information, referral, counseling to help the family adjust to the handicapping condition of hearing impairment or visual impairment and to assist them as they participate in the educational planning and programming for their child.

To provide early educational intervention services to the hearing impaired or visually impaired preschool child in the home in efforts to minimize the educational delay common to the handicapping condition of deafness and blindness.

To provide specialized educational direct services germane to the child's handicapping condition inclusive of language acquisition, speech development, and maximum use of residual hearing and residual vision.

To provide students with a comprehensive educational program which includes an instructional program ranging from preschool to twelfth grade, extra-curricular activities, social education program, athletics, vocational education, and supportive services comparable to that of educational opportunities generally afforded to non-handicapped children.

To provide students with vocational education and vocational training which will enable the students to make a choice in both a vocation and a path for post secondary training and to develop marketable skills for employment.

To provide students with residential facilities inclusive of child care services, health services, recreational services, and social education, which includes training in social adjustment and self concept development.

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## Montana Arts Council

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### PROMOTION OF THE ARTS AUTHORIZATIONS:

22-2-101-109, MCA	Agency authorization
22-2-301-321, MCA	Cultural and aesthetic projects
22-2-401-408, MCA	Art for state buildings

### GOALS AND OBJECTIVES:

Encourage the study and presentation of the arts in Montana and to stimulate public interest and participation therein. (1-MT)

Demonstrate statewide recognition of the importance of artistic excellence. (US)

Provide opportunities for artists to develop their talents. (US)

Assist in the creation, production, presentation/exhibition of innovative and diverse work that has potential to affect the art form and directly or indirectly result over time in new art of permanent value. (US)

Increase the performance, exhibition, and transmission of art to all people throughout the state. (US)

Deepen understanding and appreciation of the arts among all people statewide. (US)

Cooperate with public and private institutions engaged in artistic and cultural activities, including but not limited to music, theater, dance, painting, sculpture, architecture, and allied arts and crafts and make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to



meet the legitimate needs and aspirations of persons in all parts of the state. (1-MT)

Administer cultural and aesthetic projects grant proposals approved by the legislature. (1-MT)

Primarily responsible for the administration of percent for art for new state buildings. (2-MT)

Encourage serious and meaningful art programs as part of basic education.

Improve the institutional capacity of the best of our arts organizations to develop, produce, present and exhibit bold and varied fare. (US)

Provide information about the arts, their artistic and financial health, and the state of their audiences. (US)

Foster public interest in the cultural heritage of our state and expand the state's cultural resources. (1-MT)

Assure preservation of our cultural heritage. (US)

Stimulate increasing levels of non-Federal support of the arts. (US)

Encourage and assist freedom of artistic expression essential for the well-being of the arts. (1-MT).

The agency consists of one program which carries out the above goals through the following activities:

- On-going programs, including services to cultural organizations and individual artists, providing artists' residencies in schools and communities, administering the Montana Folklife and Percent for Art in state buildings projects.
- Council-initiated projects to conduct the following: Congressional Arts Caucus, Artists' Telegram, First Book Award, the Governor's Arts Awards, panel review of grant applications by discipline, evaluations of re-grants, funding SOS Technical Assistance to cultural organizations suffering severe economic impact at the local level, carrying out the federally mandated Cultural Congress every two years and promoting the arts in Montana in cooperation with regional and national service organizations.
- Direct re-grants to cultural organizations and fellowships to individual artists through the council's annual re-grant and fellowship programs, performance underwriting to rural communities and immediate action grants for small unforeseen community initiated projects. Under section 22-2-301, MCA, the Council administers the Cultural & Aesthetic Projects biennial grants program, which applications are reviewed by a citizens' advisory panel and final allocations are made by the legislature.

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## Montana State Library

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### STATE LIBRARY OPERATIONS AUTHORIZATIONS

15-35-108, MCA	Coal Severance Tax
22-1-103, MCA	State Library Commission
22-1-235 - 331, MCA	Distribution of Sstate Aid
22-1-212 & 213, MCA	State Documents Depository
22-1-103(6), MCA	Blind and Physically Handicapped Services
22-1-412 & 413, MCA	State Library Commission
PL 98-480	Library Services and Construction Act
TITLE 44, USC	Federal Depository

**GOALS AND OBJECTIVES:**State Library Operations:

There shall be a seven-member State Library Commission which acts as the governing body of the Montana State Library, and which shall hire as its executive officer a professionally qualified librarian, to carry out the statutory authority of the commission.

The state librarian shall act as the executive officer of the State Library Commission and shall perform the duties assigned by the commission and serve at the will of the commission.

The sixteen-member Montana Library Services Advisory Council is created by the State Library Commission with the approval of the Governor. It shall advise the commission, be representative of the state, make recommendations and, in particular, advise the commission on the Library Services and Construction Act (LSCA).

- To provide a well rounded, cost effective centralized service for all programs of the Montana State Library.
  - Compile and monitor all areas of the agency budget in a timely manner.
  - Receive and distribute all state and federal funding, including cash reports to the federal government, cash drawdowns, and audit of same.
  - Prepare financial reports for the State Library Commission six times annually.
  - Prepare a accurate agency payroll for all employees 26 times annually and maintain all payroll records.
  - Develop and maintain the agency accounting system and monthly SBAS reports.
  - Prepare all SBAS daily transactions on the OEE system.
  - Maintain property records and perform annual physical inventories of equipment.
  - Purchase all supplies and equipment per proper procedures for the agency in the most cost effective manner.
  - Handle all personnel matters, including all processes for recruitment, development and implementation of personnel policies, maintenance of personnel files and staff orientation.
  - Provide support for meetings of the State Library Commission (6 meetings annually), and the Library Services Advisory Council (4 meetings annually), compose and distribute minutes of those meetings, and handle all required mailings.
  - Produce quarterly news sheets for distribution to all Montana libraries; produce agency's annual report to the Legislature.
  - Provide clerical support for the agency.

Statewide Library Resources:

- To provide information services to state government so the activities performed, programs provided, and decisions made by state government are informed decisions within well-researched programs.
  - Statewide Library Resources unit of the Montana State Library will respond to 8,000 reference requests from state employees, providing answers to questions that surface as state business is conducted.
  - Statewide Library Resources unit of the Montana State Library will conduct over 500 online database searches to fulfill the state employees research needs as they prepare and manage state programs.
  - Statewide Library Resources unit of the Montana State Library will request at least 2,500 items for state employees via the interlibrary loan system.
  - Statewide Library Resources of the Montana State Library will provide information service leadership in an effort to connect all state agency libraries via electronics and/or automation enabling us to share the valuable resources available, to virtually all state employees in Helena and other parts of Montana.
  - Statewide Library Resources Unit of the Montana State Library will maintain current level of services in the areas of collection development, federal and state publications depositories, circulation, shelving and filing so that needed and requested materials are quickly and effectively available to state employees.

- To carry out the State Library Commission's statutory authority to provide assistance and advice, and to provide essential back-up library services to the state's 684 libraries and all counties, cities, towns for establishing and improving libraries, and so that all Montanans have equal access to information.
  - The Statewide Library Resources will respond to 3,600 requests from libraries, providing answers to questions related to the provision of library service to the state's residents.
  - The Statewide Library Resources will meet in person, through continuing education presentations and/or on-site visits, with the director, staff, trustees, etc. of 150-200 libraries in the state.
  - The Statewide Library Resources will coordinate a statewide summer reading program for the state's 588 school and public libraries.
  - The Statewide Library Resources will provide assistance in the area of children's and young adult library services to the state's 588 school and public libraries.
  - The Statewide Library Resources will respond to 1,500 questions relating to library technologies and the provision of library services.
  - The Statewide Library Resources will communicate with the state's 684 libraries about current developments and trends, grant information, and library statistics through the Annual Library Directory, and the public library statistics.
  - The Statewide Library Resources will work with an identified 6-10 local governments, including tribal councils, regarding the provision of library service to all residents of the state.
  - The Statewide Library Resources will work with the government officials in the two counties in the state that currently do not have a public library or libraries.
  - The Statewide Library Resources will work with the tribal councils and appropriate area local governments regarding the provision of public library service to all residents of the area.
  - The Statewide Library Resources will work with 3-5 local governments in the state to ensure all residents of each of the counties are receiving library service.
  - The Statewide Library Resources will maintain a clearinghouse of information about continuing education opportunities for the state's librarians.
  - The Statewide library Resources unit of The Montana State Library will respond to at least 8,000 reference requests from librarians throughout Montana serving our citizens information needs.
  - The Statewide Library Resources unit of the Montana State Library will conduct over 500 online database searches for use by library patrons around Montana to fulfill their research needs.
  - The Statewide Library Resources unit of the Montana State Library will provide approximately 10,000 loans from the Montana State Library's collections to libraries and library users throughout Montana via the interlibrary loan systems.
  - The Statewide Library Resources unit of the Montana State Library will continue to conduct activities which strengthen the ability of local libraries and federations to provide information services (including interlibrary loans) to their users.
  - The Statewide Library Resources unit of the Montana State Library will complete the weeding project, so the State Library's collections more accurately reflect the Collection Management Policy and the needs of the State Library's users, by July 1995.
  - Statewide Library Resources Unit of the Montana State Library will maintain current level of services in the areas of collection development, federal and state publications depositories, circulation, shelving and filing so that needed and requested materials are quickly and effectively available to Montanans through their libraries.
- To operate a state publications depository system to make this information available to all citizens.
  - Statewide Library Resources unit of the Montana State Library will maintain the current level of acquiring and distributing approximately 6000 state publications. This effort avoids the unnecessary duplication of efforts - other agencies need not do their own publications distribution to Montana libraries.
  - Statewide Library Resources unit of the Montana State Library will maintain the current level of activities in establishing Montana name authorities for the Name Authority Cooperative Project (NACO), Library of Congress data base. We add approximately 400 names to the national database per year.
  - Statewide Library Resources unit of the Montana State Library will catalog approximately 700 state publications which allows for quick and easy access to the valuable information within the publications. Access is available to citizens throughout Montana.
  - Statewide Library Resources will honor our contractual agreements to maintain the state publications cataloging on WLN and OCLC, thus allowing for statewide as well as regional and national access to Montana's information resources.
- To carry out the State Library Commission's statutory authority to accept and administer any state or federal funds appropriated or granted to foster library service in the state by administering the LSCA



program, Federation Support Funds, and Coal Severance Tax funds in compliance with federal and state legislation, regulations, and commission requirements. (Programmatic aspects are critical here -fiscal aspects are covered by Administrative unit.)

- The Statewide Library Resources will be responsible for the development of the combined LSCA Titles I, II, and III grant application package to be distributed to all of the state's 684 libraries.
- The Statewide Library Resources will be responsible for providing assistance to approximately 100 of the state's 684 libraries in applying for a grant under the combined LSCA Titles I, II, III application package.
- The Statewide Library Resources will monitor all in process LSCA grant projects.
- The Statewide Library Resources will be responsible for all reporting to the Department of Education on the use of LSCA funds in Montana and will coordinate the quarterly cash reports with the Agency's Accounting office.
- The Statewide Library Resources will be the staff to the Advisory Council for the grant process, coordinating all arrangements from distribution of applications to the review of applications and recommendations for funding.
- The Statewide Library Resources will annually apply the formula, approved by the State Library Commission, to the amount appropriated to the state's 83 public libraries for direct state aid and authorize distribution of the funds.
- The Statewide Library Resources will review the contracts for library service for the two counties receiving state aid that have no public library service in the county.
- The Statewide Library Resources will work with 15-20 local governments about the budgeting for and/or auditing of these funds.
- The Statewide Library Resources will authorize distribution annually of the funds appropriated for federation support as well as the quarterly distribution of the Coal Severance Tax Funds appropriated for the federations.
- The Statewide Library Resources will review the Annual Plan of Service for each of the 6 federations and the Annual Budget and Narrative Report for each and make recommendations to the State Library Commission to accept and/or approve/disapprove each. (Note: All 83 public libraries are members of a federation.)
- The Statewide Library Resources will meet bi-monthly with the coordinators of the federations and will provide 6 continuing education workshops for the federations.
- To carry out the commission's statutory authority to furnish library assistance and information services to residents of those parts of the state inadequately serviced by libraries.
  - The Statewide Library Resources will provide on-site library service to the patients at the State Hospital in Warm Springs.
  - The Statewide Library Resources will contract with four of the state's public libraries to provide library services to the residents of 5 state institutions (Eastmont, Montana Center for the Aged, Montana School for the Deaf and Blind, Swan River Youth Camp, and Columbia Falls Veteran Home).
  - The Statewide Library Resources will provide assistance and support to libraries in 6 state institutions (Galen-Main, Lighthouse/ASC, Montana State Prison, Pine Hills, Mountain View, Boulder Developmental Center, and the Women's Correctional Center).

#### Montana Talking Book Library Services:

- To provide and maintain recorded and braille library materials, playback equipment and library service to all Montana citizens who, because of a visual or physical handicap, cannot read standard print.
  - Circulate approximately 156,000 recorded books and 1826 magazines per year to the 2400 Montana citizens who are patrons of the program.
  - Contract with Utah State Library to provide braille service to the 30 Montana citizens who have requested it.
  - Provide readers' advisory service by responding to 6,300 phone calls per year; aiding in book selection and receiving and acting on all patron requests or complaints
  - Promote and conduct a Summer Reading Program for the 150 juvenile patrons between the ages of 4-14
  - Maintain a current, usable collection of recorded books.  
by selecting and adding 1,832 titles each year; by weeding and shifting the collection; by replacing or repairing lost or damaged books
  - Maintain inventory control of approximately 4725 playback machines including the receipt of 148 new machines each year; the distribution of 1330 pieces of playback equipment to patrons; and the cleaning and repair of 630 pieces of equipment.



- An eight node LAN will be provided, maintained and improved as needed to provide the most efficient and effective means of book circulation, readership information and machine inventory.
- To coordinate volunteer work throughout the library.
  - Interview, train and assign work to the 70 volunteers work at the state library.
  - Write job descriptions for various duties performed by volunteers.
  - Serve as Library liaison for RSVP (Retired Senior Volunteer Program) and Green Thumb program.
- To record and make available to patrons books of regional interest not recorded by the National Library Service.
  - Manage, maintain and administer the Montana Cassette Book Program at the Montana State Library and the Montana State Prison.
  - Record at least 40 books per year, duplicating 12 copies of each title.
  - Recruit, interview, orient, train, supervise and evaluate 25 volunteers and inmate employees for recording program.
  - Ensure all recordings meet technical standards as defined by the National Library Service
  - Clean recording equipment annually and replace parts as needed.

#### **NATURAL RESOURCE INFORMATION SERVICES AUTHORIZATION:**

90-15-101, MCA	Purpose
90-15-102, MCA	Definitions
90-15-201, MCA	Duties of Committee
90-15-301, MCA	Establishment of Information System
90-15-302, MCA	Natural Heritage Program
90-15-303, MCA	Interagency Cooperation
90-15-304, MCA	Availability of Information
The Endangered Species Act, Section 6	Cooperation with the States

The library, in consultation with the committee, shall establish a planning framework for the implementation of a natural resource information system and shall begin implementation of the plan. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

NRIS receives no general funds from the state for its base level funding. NRIS is funded by a complex mix including Resource Indemnity Trust fund (RIT) set aside, Montana Department of Fish, Wildlife, and Parks license fees, Office of Surface Mining federal funds via the Montana Department of State lands, Montana Department of Transportation state/federal matching funds, and contracts and grants from state, federal, and private entities.

- Operate a comprehensive program for the acquisition, storage, and dissemination of data relating to the natural resources of Montana.
  - Through the Natural Heritage Program (NHP) the Water Information System (WIS, and the Geographic Information System (GIS), inventory existing natural resource information.
  - Through the NHP, WIS, and the GIS manage a timely, cost-effective clearinghouse and referral service to link users with the best sources of natural resource information.
  - Through the NHP, WIS, and the GIS identify gaps in natural resource information.
  - Through the NHP, WIS, and the GIS and cooperation with other entities, assist in filling information gaps.
  - Serve as liaison and coordinate among agencies that collect, manage or use the same types of natural resource information to prevent duplication of effort and promote information sharing.
  - Through the NHP, WIS, and the GIS assist in the development of standards for the collection of natural resource information.
  - Coordinate and support natural resource agency libraries indexing and cataloging efforts of their data holdings.

- Develop and implement a strategy for on-line access to natural resource databases.
- When appropriate, develop and make available the too/s for the access and use of natural resource information.

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## Advisory Council for Vocational Education

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### GOALS AND OBJECTIVES:

The goals of the Montana Council on Vocational Education are to effectively carry out the mandated duties and functions for state councils contained in Section 112 of The Carl D. Perkins Vocational and Applied Technology Education Amendments of 1990, P.L. 101-392. These include:

- To advise the State Board and Office of Public Instruction on development of the state plans for compliance with The Carl D. Perkins Vocational and Applied Technology Education Amendments;
- To formulate and submit position papers, reports and recommendations to the Governor, State Board, U.S. Department of Education, U.S. Department of Labor, and the general public on relevant vocational education issues and concerns in accordance with council mandated duties contained in Section 112 of P.L. 101-392;
- To conduct a public hearing annually which provides the public with an opportunity to express views concerning vocational education programs of the state;
- To analyze and report on the distribution of spending for vocational education in the state and on the availability of vocational education activities and services within the state;
- To evaluate every two years the adequacy and effectiveness of coordination between vocational education and the Job Training Partnership Act, and the extent to which vocational education and job training programs in the state represent a consistent, integrated and coordinated approach to meeting the economic needs of the state;
- To report to the board on the extent to which individuals who are members of special populations are provided with equal access to quality vocational education programs; and
- To analyze and review corrections education programs, particularly the vocational education component;

The Council develops a program of work for each fiscal year. An annual report which contains an overview of Council activities, functions, accomplishments, and significant findings and recommendations is published and submitted to appropriate state and federal officials and the general public. In addition to sponsoring one public hearing each year, as mandated, the Council conducts conferences, seminars, workshops, or forums on topics relevant to vocational education and job training personnel. Information from hearings seminars, workshops, and forums is used for Council discussion, research efforts, and recommendation to the Board of Regents and the Board of Public Education.

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## Montana Historical Society

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### ADMINISTRATION AUTHORIZATIONS:

22-3-101 MCA	Historical Society
22-3-107 MCA	Authority of the Board
22-3-108 MCA	Function of Director
22-3-111 MCA	Financing of Society

### GOALS AND OBJECTIVES:

To provide overall direction and management for the society to achieve the goals and statutory responsibilities.

- The management of the society includes supervising five programs of the society.
- To serve as a spokesperson and fundraiser for the agency. (1-MT)

To maintain fiscal management and personnel management of the society. Management consists of budgeting, accounting, fiscal reporting, maintenance and operating SBAS, monitoring federal grants and contracts, all personnel matters for the agency and, in addition, supervising the Security Unit. (2-MT)

To provide overall security for collections of the society.

- Security includes maintenance of the intrusion security system, passive observation of visitors, crowd control etc.
- Information is provided to the visiting public. (1-MT)

To administer the Volunteer Program and provide interpretation of Montana history, art and culture through tours, school services, conferences, workshops and other public events. During FY92 the Society had 120,369 visitors, not only from all over the United States but the world as well, including individuals, adult tours, school tours, etc. (3-MT)

#### **LIBRARY/ARCHIVES PROGRAM AUTHORIZATIONS:**

22-3-103 MCA	Historical Library
22-3-107 MCA	Board Authority
22-3-201-221 MCA	Preservation of Records

#### **GOALS AND OBJECTIVES:**

To develop and improve the state and nation's most comprehensive collection of research materials for Montana history through purchase, donation, and exchange. (1-MT)

- To acquire annually at least 3,700 published items, 3,500 photographs, and 700 linear feet of manuscripts and records.

To assist the public in the use and enjoyment of the program's collections by providing courteous, timely and accurate reference assistance to visitors in the public reference room, to requests for information received by mail and telephone, by providing copy prints of photographs, and through the loan of selected materials via interlibrary loan. (2-MT)

- To provide annually reference services to 14,000 patrons, produce 2,500 photographic prints, and fill 650 interlibrary loan requests.

To make the collections accessible and useful to the public through their proper and timely accessioning and processing, the production of appropriate catalogs, inventories and other finding aids, and by participation in the Western Library Network, an automated regional data base.

- To process and catalog annually 3,800 published items, 2,000 photographs, and 300 linear feet of manuscript and/or state records material, and enter holdings for 1,200 titles to WLN.
- To preserve the collections for the use and enjoyment of future generations through proper processing, handling, storage, security, environmental controls, and knowledgeable application of preservation technologies and methodologies, including microfilming.

To annually provide preservation treatment to 300 published items, 18,000 photographs, 1,500 archival items, and microfilm the annual/biennial issues of 50 Montana newspapers. (3-MT)

#### **MUSEUM AUTHORIZATIONS:**

22-3-101 MCA	Historical Society
22-3-103 MCA	Independence from other libraries, museums, or galleries
22-3-107 MCA	Authority of Board
22-3-110 MCA	Decor of Quarters
22-3-111 MCA	Financing of Society



**GOALS AND OBJECTIVES:**

To systematically develop and improve the museum's permanent collection through the acquisition of artifacts appropriate to the mission of the Society, i.e., items that pertain to the history of Montana and the geographic region.

To preserve the collections for the use and enjoyment of future generations through the maintenance and improvement of clean, safe and controlled environments; the adherence to museum standards of collections care; the improvement of collections management, specifically by automating permanent records; and the expansion of our commitment to artifact conservation. (1-MT)

To provide quality educational exhibits and programming for our expanding statewide and national audiences through the maintenance and upgrading of permanent exhibits; the development of at least one major temporary exhibit per year; the development of occasional travelling exhibits for statewide distribution; and the planning and implementation of educational programming to reach as many segments of our audience and the largest number of people as possible with a variety of activities. (2-MT)

To provide accurate information on historical and technical subjects to individuals, representatives of cultural organizations, governmental agencies, the educational community and others through the timely response to inquiries about the museum collections; assistance to scholars and students working on museum-related topics; the maintenance and distribution of photographs of museum collections; technical assistance provided to other museums and cultural institutions; and the presentation of programs related to material culture and technical topics to interested groups throughout the state. (3-MT)

**PUBLICATIONS AUTHORIZATIONS:**

22-3-107(15) MCA

Promote the study of Montana history by lectures and publications

22-3-111 MCA

Financing of Society

**GOALS AND OBJECTIVES:**

To continue publication of Montana The Magazine of Western History, the state's award-winning quarterly history journal, the only one of its kind, which is distributed throughout Montana, in all 50 states, and to 15 foreign countries. (1-MT)

To distribute each year of the 1995 Biennium some 46,000 copies of the magazine, including more than 1,000 copies to Montana schools and libraries and more than 1,000 copies to out of state schools and libraries; to review almost 200 prospective manuscripts; and edit and publish some 100 articles on Montana and the West.

To continue operation of the Montana Historical Society Press, the state's only scholarly book publishing house, which distributes some 12,000 books on Montana history and literature each year and which has won awards for quality and significance of its projects. (2-MT)

To review 30 book-length manuscripts and proposals and edit and produce 2 to 4 books each year.

To continue operation of the Montana Historical Society Museum Store, which distributes quality books and related items on Montana and western history, which provides assistance and guidance to more than 28,000 patrons each year, and which is the sole source of funding for the Montana Historical Society Press over and above sales of press books. The Museum Store serves as a primary outlet for Press books. (2-MT)



To continue publication of the Montana Post, the society's quarterly newsletter, and other occasional publications provided as a public service by the Society. (3-MT)

To write, edit, and produce some 50,000 items related to Montana history and educational dissemination.

#### **HISTORIC SITES PRESERVATION AUTHORIZATIONS:**

22-3-401 through 22-3-442 MCA

MT Antiquities Authority and Preservation Office Duties

16 U.S.C. 470

National Historic Preservation Act: Outlines actions required to receive federal preservation funds and participate in National Register programs

28 U.S.C. 48(g)

Internal Revenue Code that outlines procedures for certified preservation rehabilitation

#### **GOALS AND OBJECTIVES:**

To persuade and inspire Montanans to preserve sites and buildings significant to an understanding of Montana's prehistoric and historic past through research, recordation, education, and recognition. Specifically, to:

- Research and nominate at least 500 properties (individual and contributors to districts) to the National Register of Historic Places each year and offer all National Register owners access to our sign program.
- Secure federal funding for, at least two local community, county, or historical or archaeological organization projects for systematic Register research of neighborhoods, geographic regions, or types of properties. (1-MT & US)
- Secure private funding for pilot place and site survey projects that can guide further Montana preservation work.

To provide owners of significant historic and prehistoric sites and buildings (including elected local officials, tribes and agency managers) with detailed technical preservation assistance, information, and effective, user-friendly access to any available financial incentives, especially state and federal incentives targeted for preservation. Specifically, to:

- Answer letter, phone, and personal requests for information and presentations, with public education programs, technically-sophisticated staff and adequate catalogs, site and survey report file information, and journals; and with workshops and training sessions.
- Actively assist annually at least seven historic buildings owners to use federal historic preservation income tax credits for substantial rehabilitation of buildings.
- Secure, award, and administer federal grant funds for regrant to local Montana governments with preservation commissions and ordinances; and when such federal funds are authorized and appropriated by Congress, secure, award, and administer a competitive, rehabilitation regrant program for owners of property listed in the National Register. (2-MT & US)

To minimize inadvertent harm to Montana's significant historic and prehistoric buildings and sites by providing data and comments to federal and state agencies on their proposed projects, decisions, and licenses. Specifically;

- Respond annually to at least 2,000 requests for comments from federal and state agencies on site values, effects of projects, anticipated likelihood of site existence, and the nature of study needed to avoid site.
- Develop alternate and more efficient means for those agencies to comply with federal regulations.
- The need to seek our comments, the nature of our comments, and the time afforded us to provide comments are established in federal and state preservation law and detailed in regulations. (3-MT & US)

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## Fire Services Training School

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### GOALS AND OBJECTIVES:

- Support the personal well being and growth of our members and clientele.
  - Support the development of quality local trainers and programs.
  - Develop valid, relevant curriculum that will meet the needs of local fire services.
  - Promote the sharing of resources and information among organizations and individuals.
  - Promote leadership abilities in our clientele and members which produce sustainable fire service organizations.
  - Provide communications mediums by publishing 24 newsletters, maintaining quality contact with 125 organizations, publishing 50 updates and train 1,500 people.
  - Develop a Fire Fighter II Curriculum, pilot test and implement.
  - Offer certification which result in certification and recertification of 248 fire fighters.
  - Expand number of coaches by 24 and certified instructors by 50.
  - Facilitate interaction between fire service organizations which results in 25 ride along and 1,472 hours of indirect delivery of training.
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## Department of Fish, Wildlife & Parks

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### ADMINISTRATION & FINANCE DIVISION AUTHORIZATION:

17-1-102 MCA	Uniform Accounting System and Expenditure Control
17-2-101 MCA	Treasury Fund and Accounts
17-6-105 MCA	Depositing of State Receipts
17-6-201 MCA	Unified Investment Program
17-8-201 MCA	Authorization for Disbursements
87-1-601 through 615 MCA	FWP Accounting Requirements
18-4-221 through 223 MCA	General Procurement Act
17-7-101 through 502 MCA	Budgeting and Appropriations Act
2-18-101 MCA	State Employee Classification, Compensation and Benefits
2-6-101 MCA	Employee Record Keeping
39-2-101 MCA	Employment Relations
39-30-101 MCA	Handicapped Persons Public Employment Preference
39-29-101 MCA	Veteran's Public Employment Preference
39-31-101 MCA	Public Employees Collective Bargaining
87-1-205 MCA	FWP Grievance Procedure
87-2-101 through 1004 MCA	Fishing, Hunting and Trapping Licenses
87-4-304, 87-4-407, 87-4-503 MCA	Other Licensing Requirements

87-4-603, 87-4-804, 87-4-905, 87-4-1004 MCA

Federal Aid Administration

16 U.S.C. 669-669b, 669c-669i  
16 U.S.C. 777-777k

Federal Aid in Wildlife Restoration Act of 1937  
Federal Aid in Sport Fish Restoration Act of 1950, as amended in 1984.

87-1-708 through 710 MCA

Assent to Pittman-Robertson Act

87-1-701 through 703 MCA

Assent to Dingell-Johnson Act

## GOALS AND OBJECTIVES:

### Accounting:

Provide accounting functions to all divisions and regions in accordance with generally accepted accounting principles and in compliance with state and federal laws and regulations.

- Process payments to all vendors in timely fashion. (1-MT)
- Prepare biweekly payroll and make personnel changes. (1-MT)
- Record receipts and deposit department revenue. (1-MT)
- Bill for services rendered or goods provided. (1-MT)
- In accordance with state and federal regulations, prepare a federal indirect cost proposal. (2-MT)

Manage the department's cash balances and investments to allow for optimum interest earnings. (2-MT)

### Property and Purchasing:

Develop and implement policies for the procurement and inventorying of equipment and for the management and purchase of the department's vehicle fleet.

- Provide purchasing assistance and training to appropriate personnel. (2)
- Annually negotiate the delegated purchasing agreement with the Department of Administration. (2)
- Update the FWP purchasing manual to reflect changes in law and policy. (1-MT)
- Record the acquisition, disposal and transfer of all department property. (2-MT)
- Inventory all department property once every two years. (2)
- Set standards for maintenance, usage and replacement of department vehicles. (3)
- Purchase replacement vehicles as needed. (3)

### Budgeting:

Coordinate the preparation and submission of the biennial budget request and the annual budget allocation and assist management in monitoring budgets for compliance with legislative mandates.

- Prepare the biennial budget request in accordance with state law. (1-MT)
- Plan and direct the allocation of both the operations and capital budget in accordance with legislative intent (as defined by OBPP and LFA). This includes production and maintenance of the computerized system used by managers to allocate annual operation budgets. (1-MT)
- Quarterly provide an analysis of all revenues, expenditures and cash balances. (2-MT)
- Annually provide fiscal management training to FWP managers. (2)

### Data Processing:

Provide computer support for mainframe and personal computers.

- Develop and maintain all mainframe computer systems in accordance with standards established by the Department of Administration.
- Application systems include, but are not limited to:
  - accounting systems;
  - license drawings;
  - nonresident combination licenses; and
  - license agent remittance accounting. (1)
- Acquire, install, configure and repair as needed all PC hardware and software systems. (2)
- Manage and support the department's internal computer network systems. (3)
- Develop and support customized PC software unique to FWP in accordance with Department of Administration standards. (3)
- Acquire new or replace obsolete PC equipment and provide training throughout the department as directed by the Data Processing Steering Committee. (3)



- Offer specialized data processing services to internal users in the form of desktop publishing, charts, graphs, etc.

#### Personnel Administration:

To provide comprehensive, centralized, full-service personnel operations for the department.

- Develop/review for compliance all personnel related policies (recruitment and selection, reduction in force, complaints, moving, etc.). (2-MT)
- Prepare/update the department's affirmative action plan. (2-MT)
- Negotiate and monitor compliance with the warden and biologists collective bargaining agreements. (2-MT)
- According to agency policy, investigate complaints against department employees. (2-MT)
- Monitor to assure performance appraisals are complete and timely. (2-MT)
- Review classification and pay actions for compliance with Department of Administration guidelines. (2-MT)
- Offer training/advice to agency management on development of position descriptions, hiring strategies, interviewing techniques, discipline handling and work force diversity. (2)

#### Licensing:

Administer the sale of over \$20 million annually in hunting and fishing licenses in accordance with state law and commission policy.

- Process 33,000 applications for 23,000 nonresident combination licenses. (1-MT)
- Process 140,000 applications for the big game license drawings for special permits to assure proper handling of: landowner preferences, first/second/third choices, party applications, and hunting district quotas. (1-MT)
- Design, order and consign 1.2 million licenses to 450 license agents across the state before March 1 of each year. (1-MT)
- Monitor monthly license agent reports for remittance requirements.
  - Revoke dealerships when license agents do not comply with the law.
  - Issue license dealerships to those who qualify under state law and rules. (1-MT)
- Provide for complete and accurate accounting for \$22 million of annual license sales. This constitutes 50% of the annual revenue for the department. (1-MT)
- Respond to all telephone calls and correspondence with residents and nonresidents regarding special licensing policies and procedures. (2)

#### Federal Aid:

Obtain and administer \$9 million annually in federal aid fisheries and wildlife funds.

- Assure that projects are developed, executed and completed in accordance with federal and state requirements. (2-U.S., MT)
- Establish and maintain management control systems to meet requirements to participate in the Federal Aid in Wildlife and Sport Fish Restoration programs. (2-U.S.)
- Assure the department spends all state hunting and fishing license revenues for eligible purposes only, so as to assure continued receipt of the federal funds. (2-U.S., MT)

#### Word Processing:

Provide word processing support to Helena and regional personnel.

- Complete the more complicated graphics and lengthy report assignments required by division personnel. (2)
- Set up and maintain standardized forms and mailing lists utilized by all personnel. (3)

#### **FIELD SERVICES DIVISION AUTHORIZATION:**

Title 23 and 87 MCA

Provides primarily for Field Services Division

#### **GOALS AND OBJECTIVES:**

##### Administration:

Responsible for the administration of the Field Services Division which includes fiscal and human resource management, Disabled Access coordination is administered at this level. (01)



#### Landowner/Sportsmen Relations:

Established to improve the working relationships of landowners, sportsmen, and the department, and which includes recognition of the contributions made by the private landowner in providing habitat and recreational access with efforts such as the Block Management Program.

- Game Damage. 87-1-225, MCA. (MT-1)
  - Regulation of wild animals damaging property. The Game Damage Program assists landowners experiencing wildlife depredation to their property or crops.
  - Professionally address over 500 game damage complaints annually.
  - Increase efforts at long term solutions such as providing materials for permanent hay stacking yards.
- Block Management. (MT-2)
  - The Block Management Program is designed to alleviate some of the burdens landowners experience in association with recreational hunting while ensuring continued free access to private lands for the hunting public.
  - Provides public hunting access to over 4 million acres of private land including at least 450 landowners.
- Landowner/Sportsman Coordination. (MT-2)
  - To open and maintain lines of communication among landowners, hunters, anglers and the department, and to provide information and assistance in the cooperative management of recreation on private lands.

#### Design and Construction Bureau:

This Bureau supports the department's capital program. 18-2 et.seq. MCA. Projects costing less than \$25,000 are designed by the Design and Construction Bureau, all other projects are coordinated with the Department of Administration, consultants, and contractors. 23-2 et.seq. MCA. The bureau plans and develops outdoor recreational resources. 87-1-702, MCA. Authority to acquire and develop lands and other property under the provisions of the federal Pittman Robertson Act. The bureau complies with ADA and Section 504 of the Rehabilitation Act of 1973. ARM Rule 16.45.101 and 102: Rules adopted by the DHES pertain to underground storage tanks.

- Historic Preservation Coordination. (MT-1)
  - Responsibilities assigned to the Landscape Architect position.
  - Coordinate historic and archeological assessments for department properties and facilities.
  - Initiate cultural assessments on all properties at the onset of each project. (90 per year)
- Contract Administration. (MT-1)
  - Projects costing over \$25,000 are coordinated with the Department of Administration, consultants and contractors. (90 per year)
- Design. (MT-2)
  - Position is responsible for design and layout of interpretive displays and informational signing at FWP facilities and headquarters and regional visitor's centers.
  - Four to six hundred signs, displays, and associated lay-out projects are created annually.
- Sign Shop. (MT-3)
  - Construction of interpretive displays and informational signs at FWP facilities and headquarters and regional visitor's centers. Located in Whitehall.
  - Six hundred signs are produced by the sign shop each year. These signs consist of routed wood signs as well as silk screen work.
- Engineering Services. (MT-2)
  - Design development of site improvements on department lands.
  - Design and Construction is responsible for design of 90 projects a year. This work is accomplished prior to going out to bid for contracted services. There are 170 active projects in which 40 projects are completed annually. Approximately 4 to 5 million dollars are spent per year.

#### Lands Section:

A large portion of this section's mission is supports the department's Capital Assistance program. The Land Section provides technical real estate assistance the department. 87-1-603, MCA. Payment in Lieu of Taxes; 23-2-101, MCA; 23-2-103(4), MCA; PL85-470, MCA; 87-1-701, MCA; 87-1-702, MCA; 87-1-703, MCA; 87-1-708, MCA; 87-1-709, MCA; Lands Programs and Federal Aid; 23-1-102, MCA; 87-1-601, MCA; 87-1-605, MCA; 87-2-722, MCA; 87-2-724, MCA; State Legislation for Department Real Estate Programs.

- Acquisition. (MT-1)
  - Over 25,000 acres of wildlife habitat and fishing access sites have been acquired in the last three years.

- Disposal. (MT-1)
  - To dispose of surplus properties that are not deemed for the best interest of the public. This also involves land trades.
- Leases/Easements. (MT-1)
  - Approximately 50,000 acres are managed through the use of leases, easements, and MOU's
- Taxes. (MT-1)
  - Approximately \$260,000 in taxes are paid annually, this figure is expected to increase 6% next year.
- Records (Data Maintenance). (MT-3)
  - Maintains comprehensive and accurate land data base for internal and external use.
  - The computerization of all permanent land records totalling 3,000 land files and 300,000 pages of records.
  - Establishing Geographic Information System (GIS) for department lands.

#### Aircraft Unit:

The function of the Aviation Unit is to manage and plan the safe and efficient use of highly complex aircraft and equipment in support of department programs. Department policy: operations are done in accordance with FAR Part 135. Department pilots must maintain current FAA Commercial License and FAA Medical. All chartered aircraft under contract must meet FAA, Part 135 standards. Chartered Aircraft and Pilots: 67-3-201, MCA, Aircraft Registration; 67-3-211, MCA, Airman Licensing; 67-3-102(4), MCA, (Airmen operating public aircraft are exempt from 67-3-211, MCA) 67-3-401 and 8.106.602, ARM, Commercial Air Operators and Insurance Compliance. Contractor must provide proof of compliance with the above statutes prior to entering into a contract.

- Transportation. (MT-2)
- Fish Planting & Survey. (MT-2)
- Wildlife Survey. (MT-2)
  - The Aircraft Unit provides aerial mountain lake surveys and fish stocking, wildlife surveys, wildlife capture and marking, and transportation flights for the department. There is approximately 1400 hours of flight logged each year.

#### **FISHERIES DIVISION AUTHORIZATION:**

87-5-501 MCA	Stream Protection Act of 1965
75-7-101 MCA	Natural Streambed and Land Preservation Act of 1975
87-1-255 MCA	River Restoration Act of 1989
75-5-101 MCA	Montana Water Quality Act
87-3-201 MCA	Department Control over Fish Hatcheries
87-1-605 MCA	Fees to Purchase Recreational Facilities
87-1-701-703 MCA	Assent to Dingle-Johnson Bill
87-4-602 MCA	Seining Licenses
87-4-609 MCA	Regulation of Commercial Taking of Fish Food Organisms
87-1-210 MCA	Research, Training and other Projects
87-4-603 MCA	Fish Pond License for Artificial Lake or Pond
87-5-101-103 MCA	Nongame and Endangered Species Conservation Act
87-3-204 MCA	Restrictions on Fishing Methods
87-3-221 MCA	Importation of Salmonid Fish or Eggs
87-1-201 MCA	Powers and Duties

85-2-101 MCA	Montana Water Use Act
85-2-436,437 MCA	Water Leasing Study (HB 707)
33 H.S.C. Sect 404 of Clean Water Act	42 U.S.C.Comprehensive Environmental Response, Compensation and Liability Act
16 U.S.C. 791	Federal Power Act
P.L. 96-501	Northwest Power Act
P.L. 93-205	Endangered Species Act

## GOALS AND OBJECTIVES:

To preserve the aquatic habitats of Montana in as natural a condition as possible.

- Maintain the physical stream habitats through administration of the Stream Protection Act (1963), active involvement in the Natural Streambed and Land Preservation Act of 1975 (SB 310), and review and comment on other agency permitting actions. (1-MT)
- Preserve and protect water quality through liaison with Water Quality Bureau, review and comment on NPDES and field investigation of water quality problems and fish kills. (2-MT)
- Improve water quality in degraded streams through active participation in Superfund clean up activities, NRDA and 319 programs. (2-MT,US)
- Provide opportunities for stream enhancement through administration of the River Restoration Program. (2-MT)
- Assist in development of six alternative irrigation structures to minimize damage to streambed and banks. (3-MT)
- Provide education efforts to other agencies and landowners through sponsoring three stream mechanics workshops and two stream management publications. (3-MT)

To maintain adequate streamflows and reservoir water levels for the perpetuation of Montana's fishery and aquatic resources.

- Protect and maintain FWP's existing instream flow rights and water reservations. (1-MT)
- Work with reservoir operators to develop fish, wildlife and recreation guidelines for incorporation into their reservoir operating plan. (1-MT)
- Pursue streamflow protection and enhancement in the Upper Clark Fork Basin through participation in the Upper Clark Fork Basin steering committee. (2-MT)
- Participate in drought-related activities. (2-MT)
- Enhance streamflows on dewatered streams through the water leasing program. (2-MT)
- Through interstate coordination activities insure proper management of federal reservoirs and downstream river reaches to protect Montana's fisheries. (3-US)
- Obtain instream flow reservations to protect existing streamflows in the Lower Missouri, Little Missouri, Lower Clark Fork and Kootenai River drainages. (3-MT)
- Ensure a valid adjudication of existing water rights through participation in the Montana water adjudication process by reviewing 12 SB 76 decrees. (3-MT)

To manage the state's fishery by providing long-term strategic and water-specific management planning and by setting sport and commercial fishing regulations based on biological limits for specific waters with consideration for angler preferences.

- Develop and implement management plans in cooperation with other divisions and the public for all major waters in the state. (1-MT)
- Set and distribute commercial and sport fishing regulations statewide to protect, enhance and develop fishing opportunities. (1-MT)
- Implement and maintain a statewide and water specific angler use, harvest and creel surveys statewide. (2-MT)
- Develop and implement surveys to assess fish population dynamics and to evaluate effectiveness of management efforts. (2-MT)
- Develop an effective aquatic education and angler ethics program for all anglers. (2-MT)
- Fish management activities on warm water lakes (110,000 angler-days). (2-MT)
- Fish management activities on warm water streams (100,000 angler-days). (3-MT)



- Regulate 30 fishing contests throughout the state to protect the resource and provide sport fishing opportunities. (3-MT)

To provide public access to state waters for recreational fishing through acquisition, development and maintenance of fishing access sites and administration of the motorboat access program statewide.

- Develop an adequate funding base for development and maintenance of sites. (1-MT,US)
- Develop site specific management and development plans for each site statewide. (2-MT)
- Identify waters in need of additional access and develop strategies to meet access needs. (2-MT)
- Inventory 300+ existing sites and dispose of surplus sites or acres to meet access needs only. (3-MT)

To operate an effective and efficient cold and warm water hatchery system to provide stock for waters with inadequate natural reproduction or extensive harvest and to protect and enhance the health and genetic integrity of our existing fishery for a variety of management needs.

- Maintain three captive broodstocks to meet management needs statewide (westslope cutthroat, Yellowstone cutthroat, regular arlee rainbow). (1-MT)
- Perform fish health assessments and genetic monitoring on both captive and wild stocks to maintain healthy populations. (1-MT)
- Plant cold and warm water lakes and reservoirs statewide. (1-MT)
- Develop reliable, stable, wild egg sources for walleye, rainbow, kokanee and northern pike to meet management needs. (2-MT)
- Perform 15 fish health assessments for private operators to protect the state's fishery. (2-MT)
- Plant 215 small warm and cold ponds. (3-MT)
- Plant 150 high mountain lakes. (3-MT)

To restore fisheries impacted by hydroelectric development.

- Mitigate for damages to stream and reservoir fisheries caused by hydropower development in Western Montana through implementation of the fish and wildlife program of the NWPPC. (1-US)
- Mitigate for damages to stream and reservoir fisheries caused by hydropower development in Montana through involvement in FERC licensing and relicensing activities on Missouri River MPC dams. (1-US)
- Mitigate for damages to stream and reservoir fisheries caused by hydropower development in Montana through involvement in FERC licensing and relicensing activities on remainder of privately owned hydropower dams. (2-MT)
- Review and evaluate 4 new small scale hydro applications. (3-US)

To ensure the continued existence of Montana's native fish species through development of Species of Special Concern programs and involvement in T&E species recovery efforts.

- Develop and implement a recovery program for the fluvial Arctic grayling in the Big Hole River and elsewhere in its range in Montana. (1-MT)
- Develop a management and recovery program for bull trout. (1-MT)
- Participate in recovery plan efforts for pallid sturgeon. (1-MT)
- Develop a management plan for the westslope and Yellowstone cutthroat trout. (2-MT)
- Develop a management plan for paddlefish. (2-MT)
- Inventory four non-game species to determine status and need for plan development. (3-MT)

To conduct relevant fishery and aquatic research through existing department studies or outside contractors or the universities.

- Maintain division's ability to address specific management and research needs. (1-MT)
- Fund coop fisheries unit to continue research projects. (2-MT)
- Fund paddlefish research with funds provided by the paddlefish roe program. (2-MT)
- Fund research to meet management needs as required. (3-MT)
- Develop and administer 4 special university research grants. (3-MT)

#### **LAW ENFORCEMENT DIVISION AUTHORIZATION:**

Title 23 part 1	State Parks
Title 23 part 3	Recreation use of Streams
Title 23 part 5	Boats
Title 23 part 6	Snowmobiles



Title 23 part 8	Off-Highway Vehicles
Title 87	Fish and Wildlife
Chapter 1	Organization and Operation
Chapter 2	Fishing, Hunting and Trapping Licenses
Chapter 3	Restrictions and Regulations
Chapter 4	Commercial Activities
Chapter 5	Wildlife Protection
Section 15-30-303	Confidentiality of Tax Records
Section 45-6-101	Criminal Mischief (Trespass)
Section 70-16-301	Recreation Purposes Defined
Section 81-7-102	Predator Animal - Control
Section 77-1-801(1)	Enforcement State Lands - Access Fee
Section 75-10-212, 213, 233	Littering on public property and/or private property where recreation is permitted.
Section 77-5-104	Fire Wardens

#### GOALS AND OBJECTIVES:

The Enforcement Division will focus on ecosystem protection as a whole, while conducting existing fish, wildlife, and parks programs.

- Field enforcement (fish and wildlife) will be responsive for taking appropriate and timely actions in responding to new ecological concerns, i.e. unlawful introduction of exotic or non-native species. (1-MT)
  - One-hundred (100) licensed game farms will be inspected a minimum of twice a year.
  - One-half of 112 licensed bird farms will be inspected annually.
  - All instances of illegal introduction of fish or wildlife will be recorded.
- With the increased awareness of serious illegal activities, sustained program effort will be directed toward those activities through the use of the most up-to-date wildlife law enforcement techniques including: fraudulent license purchase investigations, TIP-MONT program, Special Investigation Unit, and wildlife decoy program. (1-MT)
  - Serious wildlife violation cases worked by the Special Investigations Unit will vary depending upon the complexity and size of illegal operations. Currently, approximately 30 cases being worked are considered "hot", while another 15-20 are developing.
  - Successful enforcement investigations are publicized in the media to serve as a deterrent to would-be violators.
- From enforcement field contacts with recreationists, and reports of violations, maintain a level of compliance to laws and commission regulations of no more than 4 out of 100 recreationist contacts resulting in a citation being issued (87-1-502(1)(2)). This does not include work performed by the Special Investigations Unit.
- Approximately 4,000 citations and 1,500 courtesy citations will be issued annually. (1-MT)
  - Maintain adequate level of field checks of hunters, fishermen, and trappers (87-2-103). Wardens shall insure that all who hunt, fish, or trap have the proper license. (87-1-502(2) (2-MT)
  - Will inspect 110,000 hunting, fishing, and trapping licenses annually.
  - Continue present rate removal of vehicle-killed animals from highways. (3-MT)

- Removal or live trap nuisance beaver or other non-game mammals (709 instances recorded in 1993). (3-MT)

The Enforcement Division will conduct field law enforcement programs that provide for the protection and quality-use experience in state parks recreation areas, and historical sites.

- Enforce state parks and recreation area rules. (23-1-106) (1-MT)
- Provide training for parks rangers and caretakers. (1-MT)
- Compliance with park user fee purchase. (2-MT)
- Promote opportunities available in state parks. New accomplishment form will record number of park user contacts. (3-MT)

The Enforcement Division will promote and encourage safety in the operation of motorized recreation vehicles, and enforce registration and operation requirements. (23-2-501-535, 23-2-601-644, and 23-2-801-818)

- Field checks for motorboat operation, registration, equipment, and training (41,000 boats registered in 1993 - 17,400 inspected). (2-MT)
- A portion of the Helena bureau chief position administering the water safety program and 1 FTE temporary boat safety officer has been cut to meet the legislative mandate of 5% personal services cut. (3-MT)
- Field checks for snowmobile registration and illegal operation. (In 1993, 18,572 snowmobiles were registered, 13,000 checked.) (3-MT)
- Field checks for off-highway registration and illegal operation. (In 1993 19,012 were registered and 2,700 checks were made.) (3-MT)

Wardens shall assist in the propagation of wildlife. This includes providing physical support, manpower and equipment to assist wildlife and fish divisions with transplanting, trapping, marking or collecting wildlife species. (87-1-502(4).

- Collect biological information for season settings. (1-MT)
- Tag or measure game animals and furbearers (bobcat, beaver, bears, sheep. (2-MT)
- Respond to wildlife damage complaints within 48 hours. (87-1-255) (1-MT)
- Assist in bison control program. (87-2-723) (2-MT)
- Beaver damage. (3-MT)

The Enforcement Division will improve landowner/sportsperson relations by prioritizing enforcement activities and increasing department presence in the field.

- Address landowner concerns over the recreationists who use their property. (criminal trespass 45-6-101, state lands access 81-7-102, block management/signing/permission slips 75-10-212, 213, 233), litter laws. (1-MT)
  - 300 citations issued for trespass.
  - Assisted operation of 200 block management areas.
  - Promote one-on-one contact with warden and landowner on issues that relate to landowner concerns.
- Redefine the conservation officer program for non-enforcement department employees who wish to participate, and provide training for participants. (Approximately 30 officers trained annually.) (2-MT)
- Study a volunteer or reserve deputy program in each region to handle non-technical enforcement tasks during peak work periods, allowing wardens to spend more time on violations. (3-MT)

The Enforcement Division will provide optimum support and follow-up for administrative mandates.

- Budgets, planning, and training. (1-MT)
- Administration of other special purpose licenses, private fish pond, taxidermist, falconer, etc. inspections, and monitoring reporting requirements. (2-MT)
- Field administration of department license agents (field audit a minimum of twice a year - 4,778 contacts). (87-2-901 through 904) (2-MT)

- Conduct inspections for private pond license holders - approximately 2,500 licensed ponds. (2-MT)

The Enforcement Division uses public education efforts as a tool to achieve compliance and understanding of Fish, Wildlife and Parks regulations and management efforts.

- Provide information that enhances understanding of agency programs as well as listen to concerns of constituents. (517 programs presented to the public annually - radio, TV, etc.) (1-MT)
- Enhance sportsman/department relations by one-on-one contact. Each warden will attend a minimum of two sportsmen club meetings annually. (2-MT)
- Assist state, local and federal agencies by providing manpower and technical expertise in mutual law enforcement efforts. (2-MT)

- Conduct training for hunter education programs. (388 programs in 1993) (87-2-105) (2-MT)
- Conduct water safety training and snowmobile safety programs. (23-2-501) (3-MT)

#### **WILDLIFE DIVISION AUTHORIZATION:**

87-1-708, MCA	Assent to Pittman-Robertson Act--authority of department
87-1-710, MCA	Use of hunters' license fees for department purposes only
87-2-724, MCA	Auction of one moose license with proceeds being used to benefit moose
87-2-722, MCA	Auction of one bighorn sheep license with proceeds being used to benefit sheep
87-5-107, MCA	Listing of endangered species
87-1-611, MCA	Fish and Wildlife Mitigation Trust Fund created
87-5-121, MCA	Nongame wildlife special revenue account
87-1-241 et seq MCA	Wildlife habitat acquisition
87-1-209, MCA	Acquisition and sale of lands or waters
87-1-246 - 87-1-249, MCA	Upland Game Bird Enhancement Program
87-2-411, MCA	Stamp required to hunt waterfowl
87-2-412, MCA	Procurement and sale of artwork for waterfowl stamp - disposition of proceeds
87-1-242, MCA	Funding for wildlife habitat

#### **OVERVIEW:**

The wildlife program was founded in a 1901 legislative mandate to protect, perpetuate, enhance and regulate the wise use of renewable wildlife resources for public benefit now and in the future. The program has three emphasis areas: management, habitat, and research and technical services.

#### **GOALS AND OBJECTIVES:**

##### Management

Formulate, publish and implement annual (waterfowl) and biennial hunting and trapping regulations to provide for the wise use of Montana's game animal resources.

- Provide approximately 2 million recreation days of hunting for Montana and nonresident hunters to take 10 species of game animals. (1-MT)
- Provide approximately 212,000 recreation days of hunting for Montana and nonresident hunters to take nine species of upland game birds. (1-MT)
- Provide approximately 110,000 recreation days of hunting for Montana and nonresident hunters to take migratory birds. (1-MT)
- Provide 35,000 trapper days of recreation for Montana trappers to take nine species of furbearers and nonresident predator trappers to take six species of predators and nongame wildlife. (1-MT)

Gather public input into the wildlife management program through individual contact, sportsmen and landowner meetings, conservation group meetings, civic and school group meetings and department sponsored meetings and hearings.

- Conduct at least eight scoping and 34 public meetings to formulate and establish biennial hunting regulations for big game, upland bird and fur seasons. (3-MT)



- Respond via phone and mail to inquiries by the public concerning management, population status, general biological characteristics. (2-MT)
- Contact individual landowner and landowner groups to formulate management activities which alleviate wildlife conflicts on private land. (1-MT)
- Prepare and present programs to public, schools and other organizations concerning the wildlife management program in Montana. (3-MT)
- Develop and periodically update wildlife population status and distribution information on NRIS and Heritage computer files at the state library. (3-MT)

Design and publish annual hunting and trapping regulations in sufficient quantities and distribution that hunters and trappers can utilize them for application to drawings, planning and compliance with regulations.

- Publish 380,000 copies of final hunting regulations and distribute to license dealers and regional offices by April of each year. (1-MT)
- Produce 10,000 copies of trapping regulations before September 15 of every year to be distributed statewide. (1-MT)
- Produce 40,000 copies of waterfowl regulations before September 10 of every year to be distributed statewide. (1-MT)
- Produce 100,000 copies of upland game bird regulations before August 10 of every year to be distributed statewide. (1-MT)

Survey and inventory wildlife species to determine distribution, population status and habitat use to guide hunting season setting, habitat programs, and provide information for land management decisions by the department, other state and federal agencies, and the private landowners.

- Annually conduct aerial and ground observations of big game species to determine population size, distribution, movements and habitat use. (1-MT)
- Monitor individually marked big game animals in specific areas to determine movements and habitat use for use in hunting season formulation, game damage prevention and habitat manipulation projects. (3-MT)
- Annually conduct at least one breeding population survey for sharptailed grouse, sage grouse and pheasants in each region where they occur to determine population status in light of long term habitat change. (3-MT)
- Conduct surveys for at least ten species of nongame wildlife classified as either Category 2 species by the US Fish and Wildlife Service or as other "species of special concern" to determine their population status and distribution. (2-MT)

Reintroduce native wildlife species to improve population viability, expand distribution and re-establish species in suitable habitats.

- Re-establish viable populations of endangered species in suitable habitats with local public support. (2-MT)
- Transplant bighorn sheep, wild turkey and other wildlife species to expand distribution and establish new population in suitable habitats and with local public support. (3-MT)

Provide technical expertise, supplies and materials, labor and other assistance to landowners who are experiencing property damage by wildlife.

- Respond within 48 hours to complaints of wildlife damage to private property, implementing special seasons or control actions, providing materials to protect crops and or utilizing scare techniques. (1-MT)
- Design and prepare educational materials to inform the public about the precautions necessary to prevent human injury resulting from contact with wild animals. (3-MT)

Provide for staff training and professional and personal development to maintain the physical and mental well being of employees and provide for efficient, courteous and effective public relations.

- Provide for periodic professional and personal training of employees. (3-MT)
- Conduct a division training session each biennium. (3-MT)
- Prepare job descriptions, job advertisements and conduct hiring procedures to insure effectiveness, compliance with policies, rules and statutes and cost benefits.

Develop, prepare and monitor programs and budgets to insure effectiveness, compliance with policies, rules and statutes and cost benefits.

- Develop new and periodically update ongoing programs to insure effectiveness and cost benefits. (2-MT)
- Prepare wildlife program budgets and monitor compliance with legislative rules and department policies. (1-MT)



- Respond to legislative inquiries and develop and present information related to proposed legislation. (2-MT)
- Prepare draft and final management plans, EA's, EIS's and hold appropriate public meetings and workshops to insure management programs and activities are implemented in an environmentally sound and effective manner. (2-MT)

#### Habitat

To provide information on wildlife use and impacts of land management activities proposed by federal and other state agencies.

- Review and comment on federal and other state agency proposed management activities. (1-MT)
- Provide technical expertise to private landowners upon request concerning wildlife habitat use and probable impact of management activities. (3-MT)

Manage habitat as the primary factor for maintaining wildlife resources, recreational opportunity and aesthetic benefits to future Montanans.

- Annually complete approximately 100 agreements (80 with private landowners and 20 with organizations) to commit approximately \$700,000 per year in Upland Game Bird Habitat Enhancement Program funds to produce approximately 1,000 acres of shelterbelts, 2,000 acres of food plots, 40,000 acres of nesting cover and 100,000 acres of range management improvement for upland game birds. (1-MT)
- Acquire primary interest in land for wildlife by leasing 500 acres annually with Upland Game Bird Habitat Enhancement Program funds. (3-MT)
- Enhance wetland and associated upland habitat with state waterfowl stamp funds and matching funds from Ducks Unlimited MARSH program and other matching fund sources, including construction of five nesting islands, enhancement of 5,000 acres of upland nesting cover, construction of 100 artificial nesting structures, and developing 200 acres of wetland habitat. (2-MT)
- Mitigate for habitat losses through implementation of the BPA Trust Agreement and Department of Transportation MOU. (2-MT)

Develop and enhance Wildlife Management Areas to produce the maximum amount of wildlife and recreation for which it was purchased.

- Maintain and protect the property and facilities. (2-MT/US)
- Control weeds, particularly those in high use areas, such as roads, parking lots and camping areas. (1-MT)
- Provide access through a travel management plan. (2-MT)
- Develop partnerships with adjacent landowners to improve habitat management on WMA and surrounding land. (1-MT)
- Install enclosures and monitor vegetation with transects and photoplots. (3-MT)

Develop partnerships with federal and state agencies to implement habitat projects.

- Cooperate with federal and state land management agencies to develop at least five cooperative habitat projects beneficial to wildlife using Upland Game Bird Habitat Enhancement Program and State Waterfowl Stamp program funds. (3-MT)
- Jointly finance \$150,000 of Sikes Act projects with the US Forest Service and US Bureau of Land Management during the biennium. (3-MT)

To acquire an interest in important wildlife habitat that may be threatened in some way by using lease, conservation easement or fee title.

- Develop statewide habitat plan that includes identifying important habitats and criteria for evaluating and prioritizing those habitats. (2-MT)
- Develop and implement format for public participation in land proposals. (2-MT)
- Continue socio-economic studies as part of land acquisition process. (2-MT)

#### Research

Identify habitat needs of wildlife species and to evaluate the impacts of various land uses on those habitat needs.

- To conduct intensive, long-term and short-term field investigations of individual species. (2-MT)
- To develop and test new techniques and surveys for assessing impacts of land uses and range management practices. (3-MT)

Evaluate the effectiveness of different harvest strategies on wildlife populations.

- To develop and test new techniques and tools for surveying and monitoring wildlife population dynamics, distribution and interactions. (3-MT)

Assist wildlife managers with evaluation of past management by providing accurate research survey information.

- Interview at least 90,000 Montana residents and 20,000 nonresidents each year about their hunting or trapping activities on a statewide basis to determine the level and distribution of harvest and hunting pressure, which provides information on individual species or species populations and economic returns to the state (i.e. hunting district or county levels). (1-MT)

Maintain a current sportsmen's license database for use by personnel from wildlife, fisheries and law enforcement divisions and the responsive management unit.

- Assist fisheries, wildlife and responsive management personnel for purposes of conducting angler surveys, bioeconomic and preference surveys, special surveys on hunting activity and harvest levels. (3-MT)
- Assist law enforcement personnel with residency checks and other information about certain hunters with regard to potential hunting and fishing violations. (3-MT)

Provide biological information to department employees and the public for management decisions.

- Collect and maintain databases on wildlife species to include skeletal samples, food habits, blood and tissue analysis. (3-MT)
- Maintain drug immobilization inventory. (2-MT)
- Prepare specimens and mounts for educational purposes. (3-MT)
- Coordinate statewide disease and parasite testing. (2-MT)

#### **PARKS DIVISION AUTHORIZATION:**

Title 23 Chapter 1 MCA	The state parks organic act of 1939 outlines the purpose of state parks, and following sections outline specific powers and duties associated with the purpose.
Sec. 23-2-103 MCA	Authorizes the department to comply with the requirements of the Land & Water Conservation Fund Act of 1965 for the purpose of receiving federal grants-in-aid for park and recreation acquisition and development projects.
Sec. 23-2-616 MCA	Authorizes the department to develop, maintain, and operate snowmobile facilities.
Sec. 2-17-111 MCA	Requires the department to provide for maintenance of grounds in the state capitol area.
Sec. 23-2-801 MCA	Authorizes the department to implement a program and plan appropriate off-highway vehicle recreation use.
Sec. 23-1-301 MCA	Authorizes the department to implement a Montana Conservation Corps.
Sec. 23-1-115	Primitive Parks Act
87-5-121 MCA/15-30-150	Nongame wildlife

#### **GOALS AND OBJECTIVES:**

##### Snowmobile Program:

The primary objective of the program is to increase the enjoyment and reduce the number of accidents by increasing the public's awareness of rules and regulations governing their sport and safe, ethical and environmentally sensitive operation and to provide funding for snow plowing or access roads and parking lots paved for trail marking and grooming.

- The division objective is to provide for 3200 miles of groomed snowmobile trails. (3-MT)

#### Off Highway Vehicle Program (OHV):

Program responsibilities are new and include providing loop trails, trail maintenance, trail heads, acquisition of trail easements, and user facilities through grants-in-aid to local clubs.

Responsibilities include establishing working relationship with clubs, organizations and individuals and informing them about rules, regulations, laws, and the ethical and safe operation of motorized equipment. The primary objective of the program is to increase the enjoyment and reduce the number of accidents by increasing the public's awareness of rules and regulations governing their sport and safe and ethical operation and to minimize environmental impacts. (3-MT)

#### Primitive and Low Use Park Areas:

A Parks Program goal is to provide for the public use and enjoyment of state park resources while protecting and maintaining their resources. Tasks include site buildings and grounds maintenance, facility repair, visitor services such as providing educational and law enforcement. Within the parks system are park sites, which are a lower priority within the program due to their lower visitation levels, remote location, or lower fee revenue collection. Other parks have been designated "primitive" and are to be kept relatively undeveloped, free to residents, in most cases with minimal services. Services within these parks or programs fulfill valuable public need. (3-MT)

#### Fishing Access Site Program:

This program is responsible for the acquisition, development, operation and maintenance of over 300 access sites. These relatively small undeveloped sites provide river, stream, and lake access to approximately 1 million anglers and other recreationists annually. (2-MT)

#### Capitol Grounds Maintenance:

The objective of this program is to provide moderate service level maintenance generally via contracts for the 22 acre State Capitol complex. Funding is provided by a building per square foot assessment on all the state buildings within the complex. (2-MT)

Land and Water Conservation Fund, (LWCF)/Statewide Comprehensive Outdoor Recreation Plan, (SCORP):

#### Community/Statewide Recreation:

As the state outdoor recreation agency we provide federal (LWCF) 50 percent matching grants for community and statewide recreation areas and facilities such as the acquisition and development of community parks, playgrounds, swimming pools, golf courses, and state parks, fishing access, and wildlife management areas. We plan for statewide recreation needs through the (SCORP). The objective is to publish 5-year (SCORP) plans, insure continuing compliance of 775 existing projects, and fund state park renovations. Because of seriously declining funds (i.e., a 95% reduction since 1979), current funds have only been available for state park commitments. (2-MT)

#### Park Visitor Services:

Provide the basic visitor services which are demanded by the public using state parks while enhancing the users stay, increasing appreciation for state parks and increasing earned revenue within the park program. Services provided to the public through this program are visitor protection through enforcement efforts, youth and adult education and interpretation, brochures, and historic building preservation, student internship research, and tourism promotion. (1-MT)

#### State Park Operation:

The Parks Division provides the operation, management, development and maintenance of 40 State Parks, which includes, historic, cultural, recreation and natural sites, serving over 2 million visitors per year. The Parks Division goals and objectives for this program are to protect and preserve these resources while providing for their use and enjoyment by the public. Activities include, site maintenance, interpretation, law enforcement; management of fee areas, concessions, visitor information and education; resource protection. (1-MT)

#### Watchable Wildlife:

To inform the public of watchable wildlife and its benefits. (3-MT)

- To complete a user preference survey.
- To identify and secure long-term, stable funding sources.
- To provide wildlife education and interpretation with a focus in State Parks.



## CONSERVATION EDUCATION DIVISION AUTHORIZATION:

87-2-105 MCA	Safety instruction - hunter and bowhunter education
23-2-530 MCA	Boating safety education program
23-2-807 (2) MCA	OHV safety education program
60-3-201 (5) MCA	Snowmobile safety education program
23-2-644 MCA	Snowmobile safety education program

## GOALS AND OBJECTIVES:

### Administration:

Administrative objectives are to ensure an effective and efficient operation in the division and to provide support to other divisions and programs. (1)

- Specific objectives include development of reasonable policies and guidelines for division operations, establishing priorities, providing training opportunities and developing statewide public information planning direction.

### Public Information:

To distribute a variety of accurate and pertinent information in a timely manner to the appropriate publics and media in order to keep the public informed about FWP programs, policies, and plans; improve public awareness of wildlife conservation; and enhance public appreciation and enjoyment of Montana's state park system.

- Montana Outdoors -- production of six magazines a year with a subscribership of approximately 35,000 and a readership of approximately 100,000 per issue. (2)
- Audio/visual production -- production of 52 television outdoor reports (1 ½ to 2 minute programs); three television public service announcements; three video documentaries annually and one 16 mm film documentary every other year. (1)
- Regional information -- to maintain information officers in:
  - Department administrative regions 1-5 and headquarters; (1)
- Specific objectives include 200 banquet speeches; 26 Montana Outdoors Newspaper columns; 400 news releases; 48 radio public service announcements and 300 television and radio interviews. Responding to public inquiries for information.
- Regulations production -- To produce regulations that are 100 percent accurate and available prior to season opening dates. That will include producing approximately 350,000 big game and fishing regulations; 13,000 turkey; 85,000 upland birds; 60,000 waterfowl; 15,000 trapping; 30,000 black bear and 200,000 legal descriptions per year. (1)
- License agents -- to provide all license agents so desiring display boards to display department information to the public and to provide monthly newsletters to our 400 license agents covering information of interest to hunters, anglers and other recreationists frequenting their establishments. (2)

### Youth Education:

Environmental education - to aid in the implementation of an environmental education program in Montana classrooms in order to help youngsters learn how to think, not what to think, about value sensitive issues involving wildlife and the environment.

Objectives include increasing the use of wildlife and natural resource conservation curriculum supplements like Project WILD; providing current resource materials to supplement youth education curriculum guides; developing incentives to encourage greater use of wildlife and natural resource conservation materials; and increasing the appreciation of youngsters for the environment and for balanced and wise use of Montana's natural resources.

- To maintain 20 Project WILD facilitators (1)
- To sponsor 20 teacher workshops (2)
- To certify 4,500 instructors (1)
- To give 50 school programs annually (3)



#### Hunter/Bowhunter Education:

To increase the hunters'/bowhunters' understanding of the safe handling of firearms and archery equipment, the principles of wildlife management and the need for improved hunter ethics.

Specific objectives include providing all required and interested individuals a reasonable opportunity to participate in an accredited course; offering a standard course to all students; providing quality supplemental teaching materials to volunteer instructors; and retaining quality instructors in the program. (1-MT)

- Maintaining 675 hunter education volunteers and certifying 6,000 students annually. (1-MT)
- Maintaining 400 bowhunter education volunteer instructors and certifying 800 students annually. (2-MT)
- Developing incentives for instructors. (2)
- Developing a Montana specific curriculum. (2)

#### Motorized Vehicle Safety and Education:

The objectives for the snowmobile, boat and off-highway vehicle safety and education program include: 1) to provide all recreational vehicle users and other interested persons information regarding the safe and legal operation of their vehicles; 2) to promote the ethical use of recreational vehicles, and 3) to track the number of reported accidents in order to reduce injuries, reduce user conflicts, and promote compliance with the law.

Specific objectives include:

To maintain 25 volunteer snowmobile safety officers

To print four snowmobile trail maps

To inspect four groomed snowmobile trails

To certify 150 youths using the motorboat operators course

To contact 3,000 individuals in boat/water safety programs

To certify and maintain eight volunteer OHV instructors

To inspect two OHV trails

To develop and disseminate information through a variety of media including brochures, manuals, PSAs, and news releases. (3-MT)

#### Public Shooting Ranges:

To increase the number of safe public shooting ranges in priority areas throughout Montana. (2-MT)

#### Animal Shelter:

To rehabilitate and/or raise injured or orphaned animals to the point where they can survive on their own. (3)

#### **DEPARTMENT MANAGEMENT AUTHORIZATION:**

2-15-3401	Sets up department and director
87-1-201	Powers and duties of the Department
87-1-401	Director to carry out policies

General implementation of Title 87; Title 23, Chapter 5; Title 23, Chapters 1, 3, 4, 5, 6 and 8.

#### **GOALS AND OBJECTIVES:**

##### Legal Unit:

Provide legal advice to the director, all divisions, and seven regional offices of the department. Serves as legal advisor to the Fish, Wildlife and Parks Commission (Commission).

- Prepare legal briefs or legal opinions for the department on actions such as NEPA, MEPA, game farm enforcement, water reservations, water laws, regulation of dams, Endangered Species Act, tribal negotiations, personnel matters (approximately 36 per year), FLSA, property acquisition, etc. Prepare approximately 45 legal briefs or legal opinions per year. (1-MT)
- Review content of contracts for legal content to ensure department is in compliance with legal authority, etc. Review approximately 500 per year. (2-MT)

- Legal review of water-related issues and represent the department water permit and water reservation contested cases. (Approximately 12 per year). (1-MT)
- Advise and assist on any legal issues in department programs such as the Wildlife Programmatic EIS, MEPA compliance, risk management, habitat acquisition, water lease programs, game farm license applications, etc. (serve on about 15 committees, management teams or work groups per year.(2-MT)
- Review, advise, prepare legal documents and negotiate on property acquisitions and disposals, leases, concessions, easements, etc. (approximately 150 per year). (1-MT)

#### Regional Office Administration:

Implementation of the department's programs is accomplished by the seven administrative regions located throughout Montana. Workplans, policies and budgets are delegated from the Director's Office and administered by the Regional Supervisors. Department field personnel are supervised by Regional Supervisors and regional staff, and regional office support staff are also supervised by the regional supervisors.

- Public involvement meetings and open houses held, approximately 100 per year statewide. (2-MT)
- Annual workplans implemented and reviewed, approximately 550 per year. (1-MT)
- Employee performance appraisals completed and reviewed in the regions, approximately 275 per year. (1-MT)
- Public contacts by regional clerical staff, approximately 220,000 per year. (1-MT)
- License sales in regional offices, approximately 46,100 per year. (1-MT)
- Requisitions within general level purchasing authority reviewed and approved by supervisors, approximately 850 per year. (2-MT)
- Complex EAs and EISs reviewed by supervisors, approximately 15 per year. EAs are prepared by regional staff on regional activities, approximately 100 per year. (1-MT,US)

#### Resource Assessment Unit:

Coordinates review of federal and state planning and environment documents; identify potential natural resources conflicts that may affect the department, ensures FWP MEPA compliance; liaison with federal, state and local agencies and private sector groups as well as Montana's congressional delegation to create effective partnerships which will improve outdoor recreational opportunities. Conducts special projects or studies requiring multi-program involvement within the agency or policy level involvement with other agencies. In addition, this unit works to improve the financial return from commercial, recreational, and federal aid activities on department lands.

- Coordinate development of internal MEPA documents and review of external NEPA and MEPA documents. (1-MT)
- Participate in 35 interagency coordination meetings per year. (2-MT)
- Oversight of GIS system development project to improve department land management. (3-MT)
- Oversight of predator control funding provided to Department of Livestock. (3-MT)
- Coordinate completion of the Bison Management Plan and EIS.

#### Responsive Management Unit:

Coordinates the establishment of mission, goals and objectives for the department and coordinates implementation of the mission, goals and objectives through use of such tools as work plans, end-of-year progress reports, etc. Social and economic implications of department efforts are evaluated for department decision-making.

- Process 1770 workplans, end-of-year reports, 550 biennial work requests, and variance reports. (1-MT)
- Conduct six training sessions for department staff on management subjects, such as managing change, marketing, conflict resolution, etc. (2-MT)
- Work on special projects for the Director's Office and help coordinate preparation of materials for budget office, etc. (2-MT)
- Conduct economic valuation studies of recreational values of hunting and fishing (approximately four per year) used to assess factors contributing to the quality of cold and warm water fishing and big game and bird hunting in Montana. Conduct economic valuations on the impacts of potential department purchase or lease of selected lands (approximately three per year). (3-MT)
- Conduct attitude and opinion surveys of Montana citizens using the most appropriate social science methodology (i.e., mail and telephone surveys, interviews, etc. to design department programs to best meet the needs of Montana citizens. Conduct and assist with an average of eight surveys per year. (2-MT)

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## Department of Health & Environmental Sciences

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### DIRECTOR'S OFFICE AUTHORIZATIONS:

2-15-104, MCA	2-15-2104, MCA
2-15-111, MCA	50-1-301, MCA
2-15-2101, MCA	50-1-102, MCA
50-1-202, MCA	50-1-103, MCA
	2-15-501, MCA

### GOALS AND OBJECTIVES:

#### Director's Office:

- To encourage harmony between man and his environment to achieve a healthy environment and increase the span of healthy life for Montanans. (1-MT)
  - To provide leadership, coordination and direction to all the DHES programs to work collectively and cooperatively in providing Montanans with a healthy living environment.
- To promote efforts to prevent, reduce or eliminate disease and other health risks. (2-MT)
  - To obtain sufficient resources to accomplish the department's statutory responsibilities.
- To prevent or remedy damage to the environment. (2-MT)
  - Provide the necessary liaison with other state, local and federal government agencies as well as the general public, industry and special interest groups.
- To ensure that all department programs operate as efficiently and cost-effectively as possible. (3-MT)
  - Locate critical functions, common to all programs, within the Director's office.

#### Board of Health and Environmental Sciences:

The Board of Health and Environmental Sciences is a quasi-judicial board appointed by the Governor to advise the department in public health matters, and to hold hearings, administer oaths, subpoena witnesses, and take testimony in matters relating to the duties of the board.

- To ensure that the statutory responsibilities of the Board are accomplished. (3-MT)
  - Meet at least once every two months.

#### Legal Unit, Director's Office:

The legal unit within the Director's Office provides overall support for the department's attorneys. Staff of the legal unit includes the chief legal counsel, an agency counsel and two secretarial support staff. The chief legal counsel coordinates legal activities throughout the department and provides direct legal consultation to the Director's Office. Other functions of the unit include drafting and reviewing legislation; reviewing and drafting administrative rules; issuing legal opinions; acting as counsel in administrative and court cases particularly enforcement actions involving the Health Services Division; and advising department policymakers, local health officials and the general public on legal and administrative matters.

- To appropriately prosecute and defend all causes in the district courts, Supreme Court, federal court system in which the Department of Health and Environmental Sciences (DHES) is a party or in which DHES has an interest. (1-MT)
  - Attorneys within the department will participate in approximately 214 legal cases per year of the biennium that may result in court action.
- To implement DHES' authority to promulgate administrative rules as provided in various titles pursuant to the Montana Administrative Procedures Act. (1-MT)
  - The legal unit will draft approximately 20 sets of administrative rules each year of the biennium.
- To carry out DHES enforcement goals as mandated by statute under priorities established by the director. (2-MT)
- Provide legal opinions on issues confronting the department which require legal interpretation. (3-MT)
- To draft and/or review legislation as required to support the Department's mission and to draft and review contracts for legal content. (3-MT)
  - The legal unit will draft approximately 15 pieces of legislation.
  - The legal unit will draft or review approximately 950 contracts each year of the biennium.



## CENTRALIZED SERVICES AUTHORIZATIONS:

2-15, Part 21, MCA	42 U.S.C. 7401
40 CFR Part 33	75-2-101 et.seq. MCA
40 CFR Part 30	42 U.S.C 6901
Federal Circulars A-87, A-102, and A-128	75-10-401 et.seq. MCA
42 U.S.C. 300	42 U.S.C 9601
75-6-101 et.seq. MCA	75-10-701 et.seq. MCA
33 U.S.C. 466	50-70-101 et.seq. MCA
75-5-101 et.seq. MCA	50-50-101 et.seq. MCA
	50-31-101 et.seq. MCA

## GOALS AND OBJECTIVES:

### Centralized Services Administration:

- To establish goals and objectives for the division and monitor the daily activities of the individual bureaus.
  - Provide leadership necessary for programs to work collectively and cooperatively in providing the department with required levels of support services and providing Montana citizens with access and information to public health services and vital statistical data. (1-MT)
  - Assure the department and the division operates as efficiently and cost-effective as possible within available resources. (3-MT)
  - Provide the necessary liaison with other state, local and federal government agencies as well as the general public, industry, and special interest groups. (2-MT)
  - Maximize the amount of funding, from federal and other sources, the department may receive for the promotion and protection of the health of Montana's citizens. (2-MT)

### Support Services Bureau:

Support services in the areas of accounting, purchasing, auditing, cash receipts, accounts receivable, accounts payable, financial accountability, federal grant reporting and maintenance of accounting records.

- Provide financial reporting services for the Department, approximately 100 to 200 per year. (1-MT, US)
- Provide cash receipts services for the Department, approximately 50,000 to 60,000 per year. (1-MT)
- Provide accounts payable services for the Department, approximately 16,000 per year. (2-MT)
- Provide central purchasing and receiving for the Department, approximately 5,800 transaction per year. (2-MT)
- Provide accounts receivable services for the Department, approximately 9,000 per year. (2-MT)
- Provide audit services for the Department. (3-MT, US)
- Provide mail services for the Department. (3-MT)
- To produce financial reports for all funds and grants.
- To maintain central accounting records in accordance with state and federal regulations.
- To produce expenditure reports for all federal grants to meet grant conditions.
- To provide central procurement/purchasing services.
- To distribute all mail and goods to the proper areas.
- To review all audits received and to assure that all audits are received in a timely manner.
- To deposit all cash in a timely manner in accordance with state requirements.
- To pay all claims for the Department in the time frames allowed by both state and federal regulations and laws.

### Information Services Bureau:

The Information Services Bureau provides central coordination and support of data processing services for the Department of Health and Environmental Sciences.

- Provide reliable computer operations for the department in terms of local area network support and mainframe use. (1)
  - by adequately providing staffing to support the growth of microcomputers (growth of microcomputers in the department: 250 - FY90; to 313 - FY91; 379 - FY92; 440 - as if 9/30 in FY93).
  - by reducing downtime of LANs to an average of 1 hour per month, provided adequate staffing and updated equipment are maintained. Average cost of one hour of downtime to the department is approximately \$5000 in lost productivity. The department is averaging four hours of downtime per

month.

- by responding to service requests within two days (currently the average is sixteen days).
- by ensuring compliance with software copyright laws.
- by ensuring the department's local area networks are secure and protected from unauthorized access and are free of viruses.
- by ensuring that planning, acquisition and installation of necessary data processing resources are available to the users on the LANs.
- by serving as liaison and coordination point for the purchase of all computer software and hardware for the department.
- To provide support of currently existing, essential, data processing systems. (2)
  - by developing or contracting for the programming of computer systems.
  - by installing and/or updating software and computer programs as required by federal reporting requirements, or necessary enhancements required by users.
  - by writing necessary computer programs to support and maintain the systems.
- To provide user support in the efficient, effective use of data processing resources. (3)
  - by providing technical support to users on currently maintained software providing budget requests are left intact. We currently receive approximately forty requests per month for technical support using standard software packages (WordPerfect, Lotus, etc.); with an projected increase rate over the next biennium to seventy requests per month.
  - by providing user training on standardized software and systems used by the department. We anticipate thirty department specific computer training courses per year with an average attendance of ten persons per class.

#### Chemistry Laboratory Bureau:

The Chemistry Laboratory Bureau (CLB) provides analytical, consulting, and training services to the health and environmental programs of the Department, other state, local, and federal agencies and to the general public. The CLB manages the laboratory certification program for local, state and commercial laboratories that analyze Montana's public water supplies.

- Determine accurately and in a timely manner, the concentrations of contaminants in:
  - public water systems, wastewaters, and the surface and groundwaters of Montana; environmental and occupational air samples; hazardous and non-hazardous wastes, soils, and sludges; foodstuffs and other commercial products, and body tissues; (1-MT, US)
  - by maintaining the capability to perform at least 70,000 analyses annually.
  - by maintaining certification and proficiency by enrolling in such programs from the EPA, USGS, CDC and NIOSH.
  - by updating equipment and training to meet the increased demand for the analyses of drinking water, groundwater and wastes.
- Certify and provide technical assistance to:
  - local, state and commercial laboratories.
  - environmental programs of the Department, other state agencies, federal agencies and private industry.
  - the general public. (2-MT, US)
  - by evaluating all laboratories requesting licensure to analyze Montana's public water supplies.
  - by responding to all requests for technical assistance from programs within the DHES and from municipal, industrial and commercial laboratories. A minimum of three Performance Audit Inspections will be performed at MPDES permittee laboratories.

#### Public Health Laboratory:

The Public Health Laboratory provides scientific services in support of national and state disease prevention and control programs. The bureau provides these services through surveillance activities, outbreak investigations, consultation and training of local providers, and reference testing.

- To provide surveillance, outbreak, and diagnostic testing to be used by local, state, and federal agencies in disease control programs. (1-MT)
- To maintain the capability to analyze over 100,000 specimens/year, test each newborn for treatable congenital diseases, respond to outbreaks and special investigations requested by the Department, maintain the certification of our laboratories under federal laws including Interstate Clinical Laboratory License under CLIA 88, EPA Certification and FDA Approval.
- To implement new procedures and technologies in disease prevention analyses and train state and local personnel in their application and uses. (1-MT)
- To conduct at least ten on-site training and consultation programs in the state.

- To certify laboratories performing microbiological analysis of drinking water supplies. (2-US, MT)
- To maintain the certification of at least 5 laboratories available around the state for the analysis of public drinking water.
- To maintain and utilize the statewide registry of laboratory personnel for the planning and execution of surveillance, screening and outbreak investigation activities. (3-MT)
- To maintain and update the state registry of all personnel engaged in clinical laboratory practice in the state of Montana.

#### **AIR QUALITY DIVISION AUTHORIZATIONS:**

75-2-101, et seq.

42 U.S.C. 7401, et seq.

75-3-101, MCA, et seq.

50-70-101, MCA, et seq.

75-2-501 - 514, MCA

Public Law 99-519, 40 CFR, Part 763

Public Law 102-539, Mammography Quality Standards Act of 1992, 21 CFR, Part 900

#### **MISSION**

The mission of the Air Quality Division is to protect public health and welfare, and the environment by maintaining and improving ambient and indoor air quality, and reducing exposure to ionizing radiation in Montana.

#### **GOALS AND OBJECTIVES:**

##### Division Administration

Establish policy, provide direction, emphasize effective communication within the division and with the public, regulated community and other government agencies, provide for staff education and training, and manage the Air Quality Division. (1-US, MT)

##### Air Quality Compliance Program

Achieve the requirements of the Montana Clean Air Act, the Federal Clean Air Act and regulations adopted pursuant to the Acts through an effective compliance program, including enforcement actions where appropriate. (2-US, MT)

##### Air Quality Permitting Program

Conduct an effective construction and operating permit program designed to issue complete, accurate, and environmentally sound permits within statutory time frames. (1-US, MT)

##### Air Quality Air Monitoring Program

Operate a comprehensive ambient monitoring network which collects complete, precise, and accurate air quality and meteorological information from locations throughout Montana. (3-US, MT)

##### Air Quality Implementation Plan Program

Develop, maintain, and revise the Montana State Implementation Plan (SIP), including area-specific provisions, in order to attain and maintain the national ambient air quality standards and prevention of significant deterioration increments. (2-US, MT)

##### Occupational and Radiological Health Bureau

Reduce or eliminate unnecessary exposures to ionizing radiation which might result in injuries, cancers, genetic mutations, or death, and control radioactive materials and waste as to preclude or minimize damage to, or loss of property which might result from contamination by the radioisotopes. (1-US, MT)

Achieve and maintain workplace conditions which will protect human health. (3-MT)

In support of the mission of DHES, to promote the health of the general public, by providing assistance to prevent exposure to indoor environmental contaminants which might cause adverse health effects. This includes providing information, sampling, and analysis for some 50,000 to 60,000 indoor air contaminants. (2-MT)

Achieve and maintain a system for insuring that asbestos evaluation and abatement projects are completed by competent personnel and in a manner consistent with maintaining environmental conditions in structures, the



outdoor environment and the workplace which will protect human health and safety. (2-MT)

#### ENVIRONMENTAL REMEDIATION DIVISION AUTHORIZATIONS:

42 U.S.C. 9601 et seq.	75-10-7, MCA
75-10-701 et seq., MCA	Federal Superfund Act (CERCLA)
15-38-20 et seq., MCA	State Superfund Act (CECRA)
RCRA Section 9003 (h)(7),	Funding Authority
42 U.S.C. 6991 (b)(h)(7)	

#### GOALS AND OBJECTIVES:

##### Superfund Program

The Superfund Program implements activities under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the state Comprehensive Environmental Cleanup and Responsibility Act (CECRA) to clean up uncontrolled releases of hazardous and deleterious substance at sites in Montana in order to assure protection of public health and the environment and compliance with environmental laws and regulations. These activities include: 1) conducting evaluations of the nature and extent of contamination, the impacts and risks to public health and the environment, and the potential cleanup alternatives; 2) selecting, designing, and implementing cleanup actions; 3) recovering costs from parties responsible for the releases; 4) providing for public involvement; and 5) providing the legal framework to have liable parties conduct Superfund cleanups under Program oversight. Funding for the Program is provided by the U.S. Environmental Protection Agency (EPA), parties responsible for the contamination, and a portion of the interest from the Resource Indemnity Trust fund. Authorizing legislation requires that DHES and EPA recover any costs expended to clean up a site, including agency oversight costs, from viable responsible parties.

##### Federal Superfund (CERCLA) Program

Investigate and prioritize sites where hazardous or deleterious substances have been released to the environment by conducting preliminary assessments and, where necessary, site investigations of sites identified in the EPA's CERCLA information system, CERCLIS. (1-MT, US)

Conduct remedial investigations and cleanup actions at Montana sites on the federal National Priorities List (NPL) delegated to Montana for state-lead status under cooperative agreements with EPA. (1-MT, US)

Provide technical, legal, and management assistance to EPA for remedial investigations and cleanup actions at federal NPL sites maintained in federal-lead status. (1-MT, US)

Assist EPA in recovering cleanup costs at sites with viable responsible parties by maintaining detailed records of work conducted and costs incurred at those sites. (1-MT, US)

Maintain the Clark Fork Basin comprehensive data management system and Geographical Information System and continue involvement in basin-wide issues by participating in the Clark Fork Coordinating Forum. (2-MT, US)

Provide communication and coordination with local governments and citizens by maintaining a Superfund toll-free hotline, responding to inquiries and requests for information, and coordinating input and expertise from other programs, bureaus and agencies. (2-MT, US)

##### State Superfund (CECRA) Program

Address high priority sites by overseeing the investigations and cleanups of sites being conducted by liable parties either voluntarily or under order by DHES, by initiating orders for investigation and cleanup activities where necessary, and by initiating expedited interim cleanup actions where appropriate to eliminate imminent public health and environmental hazards. (1-MT)

Prioritize actions on hazardous sites by conducting initial sampling and research to determine the potential impact to public health and the environment, identifying liable parties, and ranking the sites using the CECRA ranking system. (1-MT)

Recover costs at sites with viable liable parties by identifying and notifying liable parties, maintaining cost

documentation records, and billing liable parties. (1-MT)

Provide communication and coordination with agencies, local governments, and citizens by responding to inquiries and information requests, providing expertise to other programs, and developing and maintaining a site tracking database. (2-MT)

Conduct oversight of voluntary remedial actions initiated by responsible parties at medium to low priority sites. (2-MT)

Improve and expedite the state Superfund investigation and cleanup process by developing rules, cleanup standards, and guidance for program personnel and liable parties. (2-MT)

Address grant and orphan sites, where there are no liable parties, by conducting investigation and cleanup activities where necessary to eliminate imminent public health and environmental hazards or as program resources allow. (3-MT)

#### Superfund Special Projects

Provide technical and legal review and input, including field oversight as necessary, at ARCO-initiated expedited actions at NPL sites within the Clark Fork Basin. (1-MT, US)

Provide technical and legal review and input for nonsite-specific Superfund-related activities initiated by ARCO within the Clark Fork Basin, including treatability studies and cultural resources management plans, which are intended to speed up and streamline the Superfund cleanup actions in the basin. (1-MT, US)

Provide technical, legal, and management oversight of all remedial investigation and cleanup activities at Burlington-Northern sites under a Superfund cleanup consent decree. (1-US, MT)

Recover Special-project costs from ARCO and Burlington-Northern by maintaining cost documentation records and billing the responsible parties regularly. (1-MT)

Provide communication and coordination with agencies, local governments and citizens by responding to inquiries and requests for information, and coordinating input and expertise from other programs, bureaus and agencies. (2-US, MT)

#### Leaking Underground Storage Tanks

Provide emergency response actions to eliminate the threat of vapor explosion or domestic drinking water supply contamination from leaking underground storage tanks. (1-US, MT)

Investigate and remediate chemical or petroleum environmental contamination suspected of emanating from leaking underground storage tanks of unknown or recalcitrant ownership. (1-US, MT)

Maintain an adequate level of LUST Trust funding for ongoing and proposed investigations and emergency responses. (2-US, MT)

Enforce and administer release investigation and remediation requirements to mitigate environmental damages from LUSTs. (1-MT, US)

Improve effectiveness of LUST investigations and reduce the time and cost remediation. (3)

#### **WATER QUALITY DIVISION AUTHORIZATIONS:**

75-5-101 et seq, MCA	2-15-2105. MCA
75-5-401-402, MCA	37-42-308, MCA
P.L. 92-500, as amended	76-4-101
33 U.S.C. 1251-1387	76-4-104
42 U.S.C. § 300	75-6-103
75-6-101, et seq., MCA	75-6-104
80-15-101 MCA	75-5-1101, et seq., MCA
7-13-4501 MCA	P.L. 100-4 (Section 319)
37-42-101 - 322, MCA	

## GOALS AND OBJECTIVES:

### Water Quality Division

Protect, maintain and improve the quality of Montana's water resources for use by public water supplies, wildlife, fish and aquatic life, agriculture, industry, recreation and other beneficial uses.

### Water Quality Management

Monitor conditions and trends in surface water quality and assess sources and causes of pollution (1-MT, US).

Prepare and review plans at the project and watershed levels to protect high quality waters and to correct existing water quality problems (2-MT, US).

Provide water quality information and other assistance to resource managers and the public to increase awareness of water quality problems and to prevent and control degradation of aquatic ecosystems (3-MT, US).

### Surface Water Permits

Maintain MPDES and storm water programs including processing approximately 80 individual applications and 250 general permit authorizations per year, performing associated required compliance and informational inspections, and performing self-monitoring report review and followup. (1-MT, US)

Program administration including planning, budgeting, public relations and information, maintenance of regulations and staff supervision. (2-MT, US)

Spill tracking and response including logging and documenting of spills and providing followup to assure cleanup. (3-MT, US)

Review of Department of State Lands Operating Permit applications to assure MPDES issues are addressed. (3-MT, US)

### Construction Grants Program

Utilize remaining grant funds for high priority projects (approximately 20 ongoing projects) currently in design or construction. (1-US)

Administratively close out projects where construction has been completed. Assist communities with audit exceptions where needed. (3-US)

Provide advance of allowance grants for small needy communities for the planning and design of wastewater treatment works. Provide planning and technical assistance to these communities as needed.(2-US, MT)

Provide technical assistance to communities, plant operators, and environmental professionals through onsite and statewide training to insure that plants are being properly operated and maintained. Administer, in cooperation with Northern Montana College, the Montana Environmental Training Center. (1-US, MT)

Inspect and evaluate wastewater systems on a systematic basis to insure compliance with state or federal standards and identify performance limiting factors. Work with the community to address the problems where necessary. (2-US, MT)

Develop and implement a pollution prevention program to reduce wastes at their source, improve wastewater treatment plant efficiency and recycle treated wastes wherever possible (2-US, MT)

### Ground Water

Implement the Montana Ground Water Pollution Control system to administer statewide ground water quality standards and to control sources of pollution through the MGWPCS permit program. (1-MT)

Respond to spills and complaints related to ground water, conduct oversight of cleanup activities, and support Water Quality Act enforcement. (2-MT)

Implement a Wellhead Protection Program to protect the quality of ground water utilized by public water supplies. (1-US)



Implement an agrichemical in ground water protection program to comply with the requirements of the Montana Agricultural Chemical Ground Water Protection Act and to prevent contamination of ground water by agrichemicals. (3-MT)

Conduct oversight of special ground water pollution projects in accordance with the Comprehensive Environmental Cleanup and Responsibility Act. (2-MT)

Implement a Local Water Quality Districts program to assist local governments in ground water pollution prevention. (3-MT)

#### Water/Wastewater Operator Certification Program

To assure competent operators of Montana water/wastewater systems by enforcement of the law requiring certified operators, and administration of an operator certification program and a renewal program with continuing education requirements. (1-MT)

To assure accurate and timely program information is readily available to the department and the public. (2-MT)

To provide a channel for program review, support, and assistance from outside the department through advisory council-department liaison. (3-MT)

To assure consistent and equal application of the law and regulations (3-MT)

#### Subdivision Review Program

Review subdivision applications submitted directly to DHES for compliance with regulations regarding water supply and wastewater treatment. (1-MT)

Conduct field investigations of proposed and problematic subdivisions to insure compliance with current regulations. (2-MT)

Review subdivision applications submitted directly to DHES for compliance with regulations regarding stormwater treatment and solid waste disposal. (2-MT)

Conduct environmental assessments of subdivision applications as required by the Montana Environmental Policy Act. (3-US, MT)

Provide training and technical assistance to counties contracted to do review under the appropriate acts and rules. (2-MT)

Examine subdivision applications reviewed and approved by local departments of health under contract with DHES. (3-MT)

Conduct these evaluations within a designated time frame as legislated. (1-MT)

#### Public Water Supply Program

Provide training, technical assistance, sanitary survey and emergency response services through DHES staff to Montana's 2100+ public water supplies to assist in compliance with current state drinking water regulations. (1-MT)

Provide efficient plan review of proposed improvements to public water supplies to enhance water and wastewater infrastructure through compliance with state standards. Also, delegate review where possible to local units of government to streamline review procedures. (1-US, MT)

Provide data management, compliance monitoring, and informal enforcement services to insure compliance with current state regulations. (2-US, MT)

Provide training, technical assistance and sanitary survey services through DHES staff and contracted services to Montana's 2100+ public water supplies to assist in compliance with new federal drinking water regulations not yet adopted in Montana. Also, provide contracted services training, technical assistance and sanitary services for compliance with existing state regulations. (3-MT)

#### Wastewater Treatment Revolving Fund Program

Manage the state revolving fund program which provides low interest financing (up to 100 percent loans) for municipal wastewater treatment and collection systems. (1-US, MT)

Develop and implement a drinking water revolving loan program as allowed by pending Federal legislation. (1-US, MT)

Ensure the technical integrity of SRF projects through the review of planning, design plans and specifications, construction activities and development of a sound operation and maintenance program. (2-US, MT)

Ensure compliance with all pertinent federal, state and local water pollution control laws and regulations. (1-US, MT)

Obtain optimum capitalization of the funds for the state in the shortest reasonable time. (3-US, MT)

Simplify the administrative and regulatory requirements of the program without sacrificing project quality to make the financial assistance readily accessible. (2-US, MT)

Modify program to incorporate changes included in the pending Federal Clean Water Act legislation. (1-US)

#### Nonpoint Source Pollution

Reduce the impairment of state waters by nonpoint source pollution by implementing watershed based NPS control plans and proactive educational activities. (1-MT, US)

Coordinate NPS program activities with water quality programs administered by other state, federal and local agencies and provide oversight of resource management programs and activities administered by those agencies. (2-MT, US)

Lead the development and implementation of a statewide, interagency wetlands conservation strategy. (2-MT, US).

Monitor and assess nonpoint source impacted waters to ascertain the degree of impairment and the success of control measures implemented. (3-MT, US)

#### Water Pollution Control Program

To review, and as necessary, revise the water quality standards and nondegradation rules (1-MT & Fed).

To review major projected developments to ensure compliance with the Montana Water Quality Laws and to assist the Board of Health and Environmental Sciences in nondegradation appeals (2-MT).

To support the Bureaus enforcement and compliance efforts (2-MT, US).

To provide accurate and secure storage of water quality data (2-MT).

To provide, short term authorizations to exceed water quality standards and "401" certifications (3-MT, US).

#### Enforcement and Legal Support Program

Provide professional enforcement services to all regulatory programs within the division. (1-MT, US)

Provide field investigation services to respond to citizen complaints of violations of statutes administered within the division. (1-MT)

Provide enforcement skills training to the division including field inspection, expert witness preparation, and civil litigation training. (3-MT)

Provide professional enforcement support to the division through agency counsel. (2-MT, US)

Provide assistance with administrative rule promulgation and legislation drafting. (2-MT)

## HEALTH SERVICES DIVISION AUTHORIZATIONS:

50-50, MCA	50-6-102, MCA
ARM 16.10.101	50-6-301 - 327, MCA
ARM 16.10.201 - 251	50-6-201, MCA
ARM 16.10.301 - 332	60-6-701 - 705, MCA
ARM 16.10.401 - 416	50-10-101 - 106, MCA
ARM 16.10.501 - 503	16.30.101 - 16.30.405
50-31, MCA	16.30.801 - 16.30.805
27-01, MCA	16.30.901 - 16.30.903
50-1-202, MCA	8.28.901 - 8.28.1124
50-15 MCA (parts 1,2,3,4,7)	50-5-301, MCA
50-20-110 MCA	

## GOALS AND OBJECTIVES:

### Health Services Division Administration

Supervise the operations of the Division's Bureaus and Programs. (1-MT)

Provide administrative leadership for coordination of services with other agencies at the local, state and national levels. (3-MT)

Maintain ongoing assessments of the health status and health problems of Montana residents. Maintain plans for the provision of necessary public health services. (2-MT)

### Food And Consumer Safety Bureau

To insure the availability and maintain the effectiveness and environmental soundness of county and community mosquito control programs and to minimize public health risks and provide technical laboratory, field and biological control services which are beyond local capabilities. (1-MT)

- 50 biological control permitting & planting; 600 consultations; 40 review/comment of local agency annual reports & plans; monitor 50 ULV units for safety/efficacy.

Identify and minimize the incidence of vector (insect, tick and rodent) or pesticide related death, illness or injury and develop/conduct appropriate preventative health responses that can be implemented by local health and vector control agencies. (2-MT)

- 25 field surveys, 2500 vector identifications; 150 blood sera analyses; 200 consumer complaints; 25 pesticide label review; 10 vector-borne disease/pesticide risk evaluations (for 1 and 2).

Protect human health through sanitary inspections and enforcement of regulations in establishments by direct and contracted inspections performed by local health agencies for food purveyors, jails, institutions, public accommodations, public swimming pools and areas, schools, and trailer & rv courts/campgrounds. (1-MT)

- 12,500 licensed establishment inspections; 100 regulated establishment inspections; 500 enforcement actions.

To protect human health through sanitary inspections or educational staff training of child day care centers and group homes. (2-MT)

- 40 regulated establishment inspections or educational staff training.

To insure safety of the Montana food supply by product process and label review and preventing from sale or distribution unsafe, misbranded or adulterated product by direct industry service, support of local health agency staff, recalls or embargoes. (1-MT, US)

- 60 process reviews; 500 label reviews; 100 product investigations.

To investigate all suspected foodborne illness or injuries caused by or associated with foods, drugs or cosmetics. (1-MT)

- 100 investigations. (for 5 and 6).

To operate the state licensing system for 8,000 establishments statewide licenses renewed annually (for 3). (1-MT)



To provide training and education to local mosquito control, sanitarian and other health agency staff providing field/lab services, licensed establishment inspection, and enforcement services by providing seminars, consultation, and field visits. (1-MT)

- 10 seminars; 150 staff field training; 4000 local consultations (for 1, 3, and 4).

To provide training and education to licensed and regulated establishment staff by providing seminars, consultation, and educational materials. (2-MT)

- 24 sessions; 4000 consultations; 3000 educational distributions (for 3 and 4).

To provide food, consumer safety, and indoor clean air education and information to the public by the news media, seminars, consultation, and educational materials. (3-MT)

- 15 news releases; 500 consultations; 500 educational distributions.

To license the disposal of septic waste collected from private sewage disposal systems by septic pumpers in a manner which is not harmful to public or environmental health. (3-MT)

- 135 licenses issued; 15 investigations.

To regulate shoddy control in Montana. (3-MT)

- 50 consultations/requests.

#### Vital Records and Statistics:

The Vital Records and Statistics Bureau maintains a statewide system of vital statistics.

- To improve the timeliness and completeness of the registration and reporting of births, deaths, fetal deaths, marriages, divorces and induced abortions in Montana. (2-MT)
  - To increase the frequency of field visitations (to hospitals, coroners' offices, physicians' meetings, funeral directors' meetings and local registrars' offices) for training and consultation to 100 individual contacts per year.
- To improve the efficiency of the reporting of births to the department from hospitals. (2-MT)
  - By initiating pilot projects for magnetic and electronic transmission of birth registration records from hospitals to the department in 2 to 5 of Montana's largest hospitals.
- To improve the preservation of vital records while enhancing retrieval of these records for more efficient records service to individuals. (1-MT)
  - By developing and implementing plans for imaging techniques to be applied to the preservation and retrieval of vital records; by enhancing the existing automated birth certificate system used for the issuance of certified copies and record amendments; by developing and implementing an automated death certificate system to make access to death records more efficient; and by developing and implementing an automated adoption system.
- To improve the completeness and timeliness of the reporting of cancer patients to the department. (3-MT)
  - By enhancing computer capabilities of the tumor registry in order to make magnetic and/or electronic transmission of patient information from hospitals to the department possible.
  - By implementing an aggressive program of microfilming and paper-destruction in order to reduce the paper storage and filing requirements of the tumor registry.

#### Emergency Medical Services

To assure the public health and safety of Montana citizens and visitors by licensing pre-hospital emergency medical services through inspections and via complaint investigation, management and resolution. (1-MT)

- Each year (2 year licenses) inspect and license 75 ground ambulance services, 3 fixed-wing air ambulance services, 2 rotor-wing air ambulance services and 40 non-transporting medical units.
- To investigate and resolve approximately 15 complaints regarding emergency medical services each year including enforcement action when necessary.

To assure the public health and safety of Montana citizens and visitors by assuring high quality emergency medical services training and certification programs. (1-MT)

- To certify, each year, approximately 650 new EMT-Basics, 75 new EMT-Defibrillation, 75 new EMT-Intermediates and 50 EMT-Paramedics.
- To re-certify, each year, approximately 650 new EMT-Basics, 70 EMT-Defibrillation, 60 EMT-Intermediates and 50 EMT-Paramedics.
- To certify, for course completion each year, an estimated 300 First Responders, 200 First Responder-Ambulance.

- To re-certify, each year, approximately 550 First Responders, 100 First Responders Ambulance.
- To train, each year, approximately 50 emergency medical services training coordinators and to provide refresher training to approximately 60 emergency medical services training coordinators.
- To train, each year, approximately 10 new medical directors at various levels of advanced life support.
- To conduct 15 on-site monitoring and technical visits to local training classes.
- To respond to a variety of requests for special help and assistance from local training programs.
- To conduct four (4) ATLS courses which will train 40 physicians and 24 registered nurses.
- To review and approve applications for 30 EMT-Basic courses, six EMT-Defibrillation courses, five EMT-Intermediate courses and one EMT-Paramedic course.

To assure the availability of a comprehensive statewide system which provides good emergency medical care to Montana citizens and visitors, technical assistance as well as films and training aids are provided to local areas. (2-MT)

- To provide technical assistance to local areas as requested.
- To oversee the development of a Montana trauma system.
- To provide films and training aids to local EMS programs with films will be sent out 254 times, slides will be lent out 118 times and manikins will be loaned 45 times.

To assure availability to all Montana citizens of a comprehensive, state-wide poison control system operating 24 hours a day. (2-MT)

- To manage, via contract with Rocky Mountain Poison Center, an estimated 11,000 cases each year.
- To distribute each year an estimated 85,000 telephone stickers and 23,000 brochures and 2 pamphlets.
- To conduct five (5) educational programs, throughout the state for prehospital emergency care providers, physicians, nurses and pharmacists regarding recent advances in toxicology and proper poison medical services providers. (3-MT)

To provide for the identification of terminally ill persons not wishing to be resuscitated and assuring the training of emergency medical services providers. (3-MT)

- To manage the Montana COMFORT ONE® program by training 50 new instructors each year.
- To evaluate the effectiveness and utilization of the COMFORT ONE® program for pre-hospital Do-Not-Resuscitate.
- To contract with the Montana Hospital Association for production and distribution of forms, materials and pamphlets.

To provide for implementation of the unprotected exposure laws for EMS providers. (3-MT)

- To revise the state-wide unprotected exposure form for pre-hospital care providers and to distribute approximately 10,000 copies.
- To revise the Unprotected Exposure educational materials and video tape and distribute to EMS providers.

#### Trauma Register

To continue to provide an efficient, automated system for collecting patient care information from an increased number of Montana hospitals. (1-MT)

- Continue collecting and analyzing information from the hospitals currently participating in the Montana Trauma Register.
- Increase the number of hospitals voluntarily participating in the trauma register to 20, including additional rural hospitals.
- Provide education and training to hospital trauma nurse coordinators.
- Provide for all system register data to be analyzed by a professional peer review panel with methods for correcting documented problems.

#### Health Planning Program

Through the CON Program, to provide a process for the rational growth of Montana's health care industry. (1-MT)

- To encourage cost containment and maintain a competitive environment.
- To assure access to care is assured through a balanced and equitable distribution of services statewide.
- To assure development occurs in a manner where industry investment is at a rate that does not translate into inflated costs for care, possibly compromising the quality of care.
- To ensure state-sponsored financial assistance programs for medical care are not extended beyond capacity to adequately serve Montanans in need.
- To provide a forum for community input in decisions affecting the health care delivery system.
- To publish a State Health Plan.

To provide assistance to Montana's rural hospitals, health care facilities, and health related organizations and agencies. (2-MT)

- To provide assistance in securing federal grant funds (the Rural Health Transition Grant program).
- To provide assistance in determining Health Manpower Shortage Area designations.
- To provide research and statistical data for program planning to health facilities, other agencies, researchers and other interested parties.

To maintain a database of information on health care facilities and health care service utilization. (3-MT)

- To provide technical assistance and updated facility information and progress reports of project development in the state.
- To publish and distribute results of annual survey of health care facilities.

#### Primary Care Cooperative Agreement

To plan, develop and provide services to address needs for primary care access for Montana citizens, especially special populations. (1-US, MT)

- To maintain liaison with and support statewide programs which address maternal and child health.
- To maintain liaison with federally-funded programs such as the Primary Care Association (PCA), Community Health Centers (CHCs), Migrant Health Centers (MHCs), Rural Health Clinics (RHCs), Federally Qualified Health Centers (FQHCs), Indian Health Services (IHS) and Area Health Education Center (AHEC).

To provide assistance and support to address financing and revenue enhancement for programs serving the primary health care needs of underserved populations. (2-US, MT)

- To maintain coalitions to address statewide strategies and programs to ensure the provision of primary care services to underserved populations.

To plan, develop and provide services to address retention, recruitment and clinical effectiveness of primary care health professionals. (3-US, MT)

- To participate in statewide initiatives to address health professional shortages in rural and frontier counties.

#### Medical Unit:

To protect, promote and enhance public health for the benefit of all Montana citizens.

- Provide medical and dental advice, opinions and recommendations to the director on all decisions that require medical and dental judgment. (1-MT)
- Provide medical support to all health and environmental programs of the Department as requested. (2-MT)
- Provide medical assistance to local entities, other health care providers and the general public. (3-MT)

#### **FAMILY/MATERNAL AND CHILD HEALTH AUTHORIZATIONS:**

Social Security Act, Title V, Section 501

ARM 16.24

Child Nutrition Act of 1966

Public Law 95-627

7 CFR 246

ARM 16.26.101 - 402

Title X of the Public Health Services Act

ARM 16.25.102 - 104

50-1-202, MCA

50-19-301 - 323, MCA

2-15-2109, MCA

50-16-102, MCA

ARM 26.12.1901 - 1920

#### **GOALS AND OBJECTIVES:**

##### Family/Maternal And Child Health Bureau

The mission of the Family/MCH Bureau is to improve the health of women, infants, children and families through the provision or facilitation of services which promote health and prevent disease or disability. Goals of the F/MCH Bureau are:

To promote the health of women, infants, children and families in Montana by developing and delivering health services which allow each individual to reach his or her full potential. (1 US, MT)

To facilitate services which enable children to enter and attend school healthy and ready to learn. (2-US, MT)

To facilitate MCH service development and coordination within the state. (1-US, MT)

The primary goal of the Family MCH Bureau Administration is to oversee the implementation of all Bureau programs and activities as required by applicable state and federal laws through services which are responsive to the needs of Montanans. (1-US, MT)

##### MCH Block Grant To Counties

- To assist the individual counties in improving the health care of mothers, infants and children by providing funds appropriated by the Title V MCH Block Grant. (1-US, MT)



- To further the goals of the DHES as related to maternal and child health. (1-US, MT)

#### Child And Adult Care Food Program

The overall goal of the Child and Adult Care Food Program is to improve the nutritional status of children and adults who participate in the program by virtue of their affiliation with a licensed day care facility or program.

- To enable institutions participating in the CACFP to serve wholesome, attractive meals in a pleasant and sociable environment. (2-US, MT)
- To meet participants' nutritional needs through food which are prepared and served. (1-US, MT)
- To teach participants and providers to make wise food choices. (1-US, MT)
- To provide timely and appropriate reimbursement to participating agencies and institutions. (2-US, MT)
- To provide timely and quality nutrition education, management, and planning consultation to staff in participating agencies and institutions. (2-US, MT)
- To provide resource materials which encourage wise nutritional choices and encourage breastfeeding. (3-US, MT)

#### WIC

- To provide qualified participants at nutritional risk, with:
  - Nutrition education and counseling, intervention, referral and follow-up on persons with identified risks to improve eating behaviors, to reduce or eliminate nutritional problems, to reduce the incidence of low birthweight babies, and to increase the incidence and duration of breastfeeding in the WIC population; (1-US, MT)
  - Access to preventive health programs and referral and follow-up to private and public health providers. (2-US, MT)
  - Selected foods to supplement diets lacking in nutrients needed during this critical time of growth and development. (2-US, MT)
- To provide participating food vendors with timely information and services which encourage their participation in the program and provide timely reimbursement for food vouchers accepted. (2-US, MT)
- To develop the abilities of local WIC agency staff to meet the diverse needs of the program and their clients through ongoing education, workshops and timely resource materials. (1-US, MT)

#### WIC Information Specialist

The goal of this program is to provide low income, pregnant, postpartum, and lactating women, infants, and children up to age five, at nutritional risk, with:

- Nutrition education and counseling, intervention, referral and follow-up on persons with identified risks to improve eating behaviors, to reduce or eliminate nutritional problems, to reduce the incidence of low birthweight babies, and to increase the incidence and duration of breastfeeding in the WIC population; (1-US, MT)
- Access to preventive health programs and referral and follow-up to private and public health providers. (3-US, MT)
- Selected foods to supplement diets lacking in nutrients needed during this critical time of growth and development. (2-US, MT)
- To provide participating food vendors with timely information and services which encourage their participation in the program and provide timely reimbursement for food vouchers accepted.
- To develop the abilities of local WIC agency staff to meet the diverse needs of the program and their clients through ongoing education, workshops and timely resource materials.

#### WIC Increase

- To provide low income, pregnant, postpartum, and lactating women, infants, and children up to age five, at nutritional risk, with:
  - Nutrition education and counseling, intervention, referral and follow-up on persons with identified risks to improve eating behaviors, to reduce or eliminate nutritional problems, to reduce the incidence of low birthweight babies, and to increase the incidence and duration of breastfeeding in the WIC population; (1-US, MT)
  - Access to preventive health programs and referral and follow-up to private and public health providers. (2-US, MT)
  - Selected foods to supplement diets lacking in nutrients needed during this critical time of growth and development. (2-US, MT)
- To provide participating food vendors with timely information and services which encourage their participation in the program and provide timely reimbursement for food vouchers accepted. (2-US, MT)
- To develop the abilities of local WIC agency staff to meet the diverse needs of the program and their clients through ongoing education, workshops and timely resource materials. (1-US, MT)

#### Family Planning Program

- To improve and maintain the reproductive health of Montana people in their reproductive years, particularly through the detection and prevention of cancer and sexually transmitted diseases with

women. (1-US, MT)

- To prevent unplanned pregnancies and reduce the incidence of abortion by offering comprehensive family planning services to women at risk, with priority on low income families. (2-US, MT)
- To improve pregnancy outcomes by correcting health problems between pregnancies and by proper spacing and timing of pregnancies. (3-US, MT)

Family planning services are directed toward the accomplishment of the following goals:

- To improve and maintain the reproductive health of Montana people in their reproductive years, particularly through the detection and prevention of cancer and sexually transmitted diseases with women. (1-US, MT)
- To prevent unplanned pregnancies and reduce the incidence of abortion by offering comprehensive family planning services to women at risk, with priority on low income families. (2-US, MT)
- To improve pregnancy outcomes by correcting health problems between pregnancies and by proper spacing and timing of pregnancies. (3-US, MT)

#### Children's Special Health Needs

- To promote the development of systems of care for children with special health care needs that are family centered, community based, comprehensive, coordinated, and culturally sensitive. (1-US, MT)
- To support and further develop the "Follow Me" project to identify, follow, and refer to services high risk infants and children until school entry in order to promote optimum growth and development. (2-US, MT)
- To provide families with assistance in locating, accessing, and funding the medical and other services required by their special needs children. (3-US, MT)

#### Perinatal Program

The major purpose of the Perinatal Program is to improve the outcome of pregnancies in Montana. Objectives to achieve this goal include:

- To reduce infant mortality and the number of low birthweight births to Montana residents. (1-MT, US)
- To eliminate barriers to prenatal care for Montana women. (1-MT, US)
- To eliminate or modify environmental and other risks to pregnancy, through methods which include education of the public about substances and practices which offer risks to the unborn infant. (2-MT, US)
- To promote continued education on preventive maternal, infant and child health care practices for Montana health professionals. (3-MT)
- To increase to at least 90 percent of the proportion of women enrolled in prenatal care who are offered screening and counseling on prenatal detection of fetal abnormalities. (3-MT, US)
- To increase smoking cessation during pregnancy so that at least 60 percent of women who are cigarette smokers at the time they become pregnant quit smoking early in pregnancy and maintain abstinence for the remainder of their pregnancy. (3-MT, US)

#### MIAMI Project

The major goal of the MIAMI Project is to reduce preventable infant mortality and morbidity by improving access to prenatal care, reducing low birthweight, and educating the public. Specific objectives are:

- To reduce the infant mortality rate to no more than 7 per 1,000 live births. (1-US, MT)
- To reduce the fetal death rate to no more than 5 per 1,000 live births plus fetal deaths. (1-US, MT)
- To reduce low birthweight to an incidence of no more than 5 percent of live births and very low birth weight to no more than 1 percent of live births. (1-US, MT)
- To increase to at least 90 percent the proportion of all pregnant women who receive prenatal care in the first trimester of pregnancy. Special target is the American Indian population. (1-US, MT)

#### Enhanced Nursing Consultation

These positions have the goal of extending and increasing the services of the department to local health departments, public health nurses and school nurses who function in isolation and/or with minimal resources. Specific objectives are:

- To increase the ability of local public health and school nurses to meet the demands of their positions through the provision of workshops, resource information, and other training materials. (1-MT)
- To provide a network for public health and school nurses to work with each other and share information. (3-MT)
- To work in partnership with local public health and school nurses to develop or adopt standards for care of clients in the communities and the schools. (2-MT)

#### **PREVENTIVE HEALTH SERVICES BUREAU AUTHORIZATIONS:**

ARM 16.28.701  
ARM 16.24.413  
ARM 11.14.316, 414

Section 301(a) of the Public Health Service Act  
2-15-2101 - 2107, MCA  
501-1-201 (8-12), MCA

20-5-401 - 410, MCA  
37-2-301, MCA  
46-18-256, MCA

50-1-202, MCA  
50-1-201 - 204, MCA  
50-1-101 - 206, MCA  
50-2-101 - 124, MCA  
52-2-735, MCA  
50-18-101 - 113, MCA  
50-16-601 - 611, MCA  
50-16-701 - 705, MCA  
50-16-1001 - 1013, MCA  
50-19-102, MCA

## GOALS AND OBJECTIVES:

### Preventive Health Services Bureau

- Unify the effort of the various programs within the bureau. (2-MT)
- Provide technical advice to the programs, local health departments and general public related to health matters addressed within the bureau (epidemiology; chronic and communicable disease prevention and control). (1-MT)
- Provide technical advice to the program managers related to program management. (2-MT)
- Marshall the resources of the bureau to respond to health crises such as communicable disease outbreaks. (1-MT)
- Apply for, utilize and report on the Preventive Health and Health Services Block Grant funds available to Montana. (1-US)
- Assure coordination between the various programs within the Bureau and the Department and other agencies. (1-MT)
- Develop and start-up of projects which will become self-supporting and enhance public health. (1-US)
- Startup or expansion of public health programs. (1-US)

### Dental:

Dental caries is perhaps the most prevalent disease known. The target of the dental health program is on children, since optimal oral health is critical not only to their oral functioning, but also to long term health. Community water fluoridation, sealants, and topical fluoride treatments along with appropriate oral health behaviors, decrease the likelihood of children developing caries. All children, particularly young children, should be offered the opportunity to receive adequate fluoride exposure, adhesive sealants, professional dental care, and oral health education.

The dental health program works in collaboration with the dental profession, public/private schools, local health departments, and other groups concerned with dental health to maximize preventive efforts such as the mouth rinse program and fluoridation for all Montanans.

- Reduce dental caries (cavities) so that the proportion of children with one or more caries (in permanent or primary teeth) is no more than 35% among children aged 6 through 8 and no more than 60% among adolescents aged 15. (1-US)
- Increase to at least 55% the proportion of people served by community water systems providing optimal levels of fluoride. (3-US)
- Increase use of professionally or self-administered topical or systematic (dietary) fluorides to at least 85% of people not receiving optimally fluoridated public water. (2-US)

### Chronic Disease Prevention And Health Promotion Program

The primary mission of the Chronic Disease Prevention and Health Promotion Program is to assure conditions in which people can be healthy by applying scientific and technical knowledge to prevent disease and promote health.

By the year 2000, reduce coronary heart disease deaths to no more than 100 per 100,000 people. (1-US)

- reduce overweight to a prevalence of no more than 20% among people aged 20 and older and no more than 15% among adolescents 12-19.
- increase to at least 30% the proportion of people aged 6 and older who engage regularly, preferably daily, in light to moderate physical activity for at least 30 minutes daily.

By the year 2000, reverse the rise in Montana cancer deaths to achieve a rate of no more than 130 per 100,000 people. (2-US)



- reduce the rate of Montana lung cancer deaths to achieve a rate of no more than 42 per 100,000 people.
- reduce Montana breast cancer deaths to no more than 20.6 per 100,000 people.

By the year 2000, reduce the Montana deaths from chronic obstructive deaths to a rate of no more than 25 per 100,000 people. (3-US)

- reduce cigarette smoking to a prevalence of no more than 15% among people aged 20 and older.
- reduce the initiation of cigarette smoking by children and youth so that no more than 15% have become regular cigarette smokers by age 20.

Provide state plans for breast and cervical cancer prevention, cardiovascular health, and tobacco control. (1-MT, US)

- detail the health problem, strategies in surveillance, intervention opportunities, early detection, treatment, and advocacy.
- provide a dissemination plan for the distribution of the plans statewide.

Coordinate a statewide campaign on adolescent health behavior with a private contractor on drinking and driving as well as tobacco control. (2-MT, US)

- develop the campaign "Keeping It. Together" in collaboration with the Department of Justice, Department of Corrections/Human Services, and the Office of Public Instruction.
- focus the campaign on positive youth behaviors in an appealing, state of the art style.

Provide standardized, periodic, and uniform health behavior data on risk factors relating to the leading causes of morbidity and mortality. (3-MT, US)

- assess state geographic, demographic, and economic characteristics and developing an overall surveillance strategy.
- provide statistical and epidemiological assistance for compilation of the prevalence information.
- provide technical assistance on quality control mechanisms appropriate to the state level surveillance system.

Assess community food and nutrition providers to determine the food and nutrition problems throughout Montana and encourage local coalitions for addressing the problems. (2-MT)

Address the problem of hunger by promoting public food assistance programs and reduce the stigma attached to the utilization of such programs. (1-MT).

Develop a nutrition education public information campaign that incorporates messages targeting behavior change that focuses on achieving the Year 2000 nutrition objectives. (3-MT)

Work in conjunction with appropriate agencies, organizations and individuals, to develop a state nutrition plan. (1-MT)

Develop a state-wide system of nutrition surveillance. (2-MT)

Develop and maintain a focus on chronic disease epidemiology within the Montana Department of Health and Environmental Sciences (1-US).

Heighten the visibility of chronic disease epidemiology by scheduling conferences, workshops and seminars at annual public health association meetings. (2-MT)

Obtain funding (grants, cooperative agreements, matching funds, etc.) for state chronic disease epidemiologic capacity building. (1-MT)

#### Communicable Disease

Reduce morbidity and mortality due to preventable and controllable communicable diseases. (1-US)

- maintain a passive surveillance system
- assist local health jurisdictions in establishing active surveillance systems.
- analyze data about preventable treatable communicable diseases collected via the surveillance system
- detect and document recognized public health crises.

Provide technical assistance to local health jurisdictions (3-MT).

- implement effective disease prevention and control efforts.
- ensure the use of current research-based information regarding communicable disease control.
- provide health care and consumer education via various means to ensure the practice of up-to-date public health in Montana.

## AIDS

By 1995, ensure no more than one per cent of Montanans who seek testing for HIV will be seropositive. (1-US)

By the year 2000, ensure seroprevalence rates for selected risk behaviors are not exceeded for the following: general population-.01%; college-aged youth-1%; women of reproductive age-.01%; men having sex with men-5%; injectable drug users-2.5%; Native Americans/Hispanics-1%. (2-US)

By 1995, ensure that 90% of AIDS cases diagnosed in Montana are reported to the Department within three months of diagnosis. (3-US)

Increase to 90% the number of health care providers who routinely assess the risk behaviors of their patients and offer or refer for counseling and/or testing for HIV.

By 1995, increase to 75% the number of HIV-infected individuals whose sex and needle-sharing partners are referred for counseling and testing.

By 1995, increase to 90% the demographic information available on individuals tested for HIV.

By 1995, increase to at least 90% the proportion of people age 18 and older who know how HIV is and is not transmitted, how to prevent transmission and how to assess their individual risk of infection.

Provide AIDS/HIV information 24 hours a day through toll-free hotline telephone services available to all Montanans and through public information campaigns and general education.

Provide a low-cost laboratory service to Montana health care providers to enhance the identification and prevent the spread of HIV infection.

Provide counseling, testing, referral and partner notification services to 4500 individuals annually through local contracted sites.

Ensure less than 5% of gay men, injectable drug users attending treatment centers in three largest cities in Montana will be positive for HIV antibody.

## Ryan White Care Act

To improve the quality, availability and organization of health care and support services for individuals and families with HIV infection. (1-US)

- Provide early intervention services, drug treatment reimbursement, home and community-based care, insurance continuation and other medical/support services through consortia in each of the Governor's Health Planning regions for HIV-infected individuals and their families to ensure continuity and coordination of care.

## STD

By the year 2000, the incidence of primary and secondary syphilis in Montana will be less than one case per 100,000 population and congenital syphilis will remain at zero cases per 100,000 live births. (1-MT)

- Ensure adequate treatment and disease intervention interview for 90-95% of all new cases of early syphilis.
- Ensure adequate treatment and follow-up of 85% of locatable, in-jurisdiction contacts to early syphilis.

By the year 2000, the incidence of gonorrhea in Montana will be reduced to a rate of less than ten cases per 100,000 population, with half of the cases reporting an out of state source. ( 1-MT)

- Ensure adequate treatment and disease intervention interviews for 90-95% of all cases of uncomplicated gonorrhea and 100% of all cases of resistant gonorrhea.
- Ensure adequate treatment and follow-up of 90% of locatable, in-jurisdiction contacts to uncomplicated and resistant gonorrhea.

By the year 2000, ensure that junior and senior high school students and health care providers in Montana are receiving adequate and timely STD education. (3-MT)

- Ensure STD education, including messages on risk reduction, are incorporated into school presentations made by MDHES AIDS/STD Program staff and STD clinic staff.

- Provide training workshops and written up-dates on clinical or epidemiological/ intervention aspects of STD control for health care workers in the state.

By the year 2000, the incidence of sexually transmitted chlamydia infections in Montana will be reduced to 110 cases per 100,000 population. (2-MT)

- Ensure adequate treatment and disease intervention interview for 85-90% of all public cases of chlamydia.
- Encourage treatment of potential chlamydia infection for 90% of all patients diagnosed with gonorrhea.

#### Immunization

Eliminate measles and rubella transmission among Montana school populations and increase the percent of middle school/junior high entrants and post-secondary students who have received a minimum of 2 age-appropriate doses of measles vaccine to 98% (1-MT, US)

Develop, test, and implement systems to ensure that 90% or more of Montana children complete basic immunizations by 24 months of age. (2-MT, US)

- By 1995, acquire funding to enact all objectives and activities of the Montana Immunization Action Plan.
- By 1995, implement all of the state and local action steps for each of the 12 objectives of the Montana Immunization Action Plan.

Reduce morbidity (number of cases) and mortality (number of deaths) due to pertussis, mumps, and Hemophilus influenza type b (Hib) disease and maintain the morbidity and mortality due to polio, diphtheria and tetanus at no cases. (3-MT, US)

- By 1995, maintain at 99% the immunization levels for children in public and private schools against measles, rubella, poliomyelitis, diphtheria, tetanus, pertussis and mumps.
- By 1995, increase immunization levels for children enrolled in licensed day care centers against Hib disease, measles, rubella, poliomyelitis, tetanus, pertussis and mumps to equal or exceed 95%

Prevent the transmission and occurrence of hepatitis B in all populations including children. (1-MT, US)

Implement the "universal hepatitis B" immunization recommendations in seven (7) Indian Health Service units in Montana and in seven (7) major Montana communities. (2-MT, US)

Increase awareness of hepatitis B, the need for prevention and vaccine availability for "universal hepatitis B" in seven (7) Montana communities. (3-MT, US)

Prevent the transmission of hepatitis B in newborns. (1-MT, US)

Ensure all newborns at risk to hepatitis B are identified through prenatal screening and also treated at birth. (2-MT, US)

Develop and maintain hepatitis B data bases. (1-MT, US)

Develop immunization education, promotion and training materials. (2-MT, US)

#### Rape Crisis

By the year 2000, reduce rape and attempted rape of women aged 12 and older to no more than 108 per 100,000 women. (1-US)

To prevent sexual assault through education. (3-US)

To respond to the needs of those sexually assaulted by providing 24-hour counselling services, support during the investigation of the incident and counselling for readjustment to life after the assault. (2-US)

#### End Stage Renal Disease

To alleviate to the greatest extent possible the economic imbalance to the family economic unit created by renal disease. (1-MT)

To provide an extension of state assistance to Montana residents suffering from renal failure. (2-MT)



To maintain a minor provider (co-insurance) economic assistance program. (3-MT)

#### Rabies

To prevent the occurrence of death and disease due to rabies (1-MT).

- provide pre-exposure consultation.
- provide post-exposure consultation.

#### Tuberculosis

To increase to at least 85 percent the proportion of people found to have tuberculosis infection who completed courses of preventive therapy. (1-MT)

To eliminate tuberculosis in Montana by the year 2010. (1-US)

- increase compliance with existing prevention and control methods
- assimilate new prevention, diagnosis, and treatment technologies

To ensure adequate treatment of those with infectious disease in order to prevent them from infecting others. (2-US)

- develop a specific treatment and monitoring plan within 3 days of diagnosis
- assign a specific public health worker the responsibility for ensuring that their patient management plan is properly executed

To ensure preventive treatment for those infected without disease so they will not become infectious. (3-US)

- provide incentives to increase patient compliance
- implement directly observed therapy whenever needed

### **HEALTH FACILITIES DIVISION AUTHORIZATIONS**

50-5-101 through 50-5-232, MCA, Part I and Part II

50-5-1101 through 50-5-1107, MCA

50-6-106, MCA

42 U.S.C. 1818

42 U.S.C. 1919

### **GOALS AND OBJECTIVES:**

#### Health Facilities Division

The Health Facilities Division issues health care licenses, grants Medicaid and Medicare Certification, and approves renovation and new construction projects for all health care facilities. The Division is responsible for legal enforcement duties concerning state and federal laws governing health care facilities.

- To update and clarify State licensure standards for health care facilities/services to accurately and reasonably reflect the many elements of the rapidly changing health care service industry. (1-MT)
- To conduct licensure surveys of health care facilities/services annually to triennially to determine compliance with state licensure laws which are designed to assure the safety of residents/patients. (1-MT)
- To assist with new or potential providers in developing a new health care facility or service to ensure standards will be met previous to start-up and in accordance with Montana law. (2-MT)
- To review, approve, and conduct preliminary through final inspections of all renovation or new construction plans of health care facilities. (1-MT)
- To conduct complaint investigations in licensed-only facilities. (1-MT)
- To provide a variety of consultative and technical assistance to providers, potential providers, consumers, and the general public. (2-MT)

#### Certification Bureau

- To assure that all qualifying health facilities and services offer health care which is consistent with Federal Conditions of Participation as outlined in Titles XVIII and XIX of the Federal Social Security Act, ensuring safe environments and quality of care. (1-US)
- Survey new (prospective) providers for compliance with federal requirements within three weeks after the request for survey.
- Conduct recertification surveys annually per federal law for 45 Home Health agencies and 101 Long Term Care Facilities.

- Conduct recertification surveys by a percentage set by Health Care Financing Administration (HCFA). Survey levels are set each fiscal year (October 1) and range from a minimum of 10% to 100% for all non-accredited hospitals, end-stage renal dialysis, hospice, outpatient and rehabilitation facilities and providers, ambulatory surgical centers and rural health facilities.
- Conduct recertification surveys at a minimum of 10% of all non-accredited hospitals, end-stage renal disease facilities, hospices, outpatient physical or speech therapy providers, and ambulatory surgical centers.
- Conduct complaint surveys related to providers and suppliers. Complaints indicating immediate and serious threat to patient health and safety have the highest priority. The Bureau conducts an average of 161 on-site complaint visits annually.
- Conduct a 5 percent validation surveys (five annually) of 5% of JCAHO accredited hospitals as directed by Regional Office in Denver. This item is a critical element in the Medicare report to Congress and must be conducted timely (within 45 days from Regional Office notification) to fulfil HCFA's statutory responsibility to monitor the Joint Commission.
- Responsible for assisting the six community mental health centers seeking Medicare participation by reviewing requests for participation, issuance of numbers for identification, payment, data, and other purposes.
- Conduct annual onsite visits to determine if hospitals and units meet the Prospective Payment System.
- Recommend and ensure the implementation of fines, sanctions, and remedies for non-compliant nursing homes.
- Conduct initial and recertification surveys for Medical Assistance Facilities.

To assure the public health and safety of Montana residents residing in Long Term Care Facilities by maintaining the registry of 7,000 certified nurse aides. (1-US)

- Maintain a registry of all individuals (approximately 7,000) who have completed a nurse aide training course and have passed a competency evaluation test.
- Investigate allegations of resident neglect and abuse (including misappropriation of personal funds) by a nurse aide and other individuals.
- Provide an opportunity for a hearing for any nurse aide or other individual against whom an allegation of neglect or abuse is made prior to placing the documented findings on the abuse registry.

To assure the public health and safety of Montana residents receiving Home Health services by maintaining a toll-free hotline to receive complaints and to answer questions about HHA's. (2-US).

To assure the public health and safety of Montana residents receiving laboratory services by conducting initial and recertification of all laboratories as authorized by the Clinical Laboratory Improvement Amendment (CLIA). (1-US)

#### WASTE MANAGEMENT DIVISION AUTHORIZATIONS:

50-5-101 - 232, MCA, Part I & II	75-10-101, et seq., MCA
50-5-1101 - 1107, MCA	75-10-201, et seq., MCA
75-10-401, et seq, MCA	75-10-801, et seq., MCA
75-10-501, et seq., MCA	75-10-901, et seq., MCA
16.14.201, et seq., MCA	75-10-1001, et seq., MCA
50-6-106, MCA	75-11-201, MCA, et seq.
42 U.S.C. 1818	42 U.S.C. 6991
42 U.S.C. 1919	

#### GOALS AND OBJECTIVES:

##### Hazardous Waste Program

The Hazardous Waste Program is a regulatory program authorized by the EPA to implement the equivalent of the federal hazardous waste program in lieu of EPA. The program consists of two units: the Permitting Unit and the Regulatory Unit. These two units serve to regulate all hazardous waste handlers in Montana.

- To administer the Hazardous Waste Program in a manner that provides the greatest protection of public health and the environment from the deleterious effects of improperly managed hazardous waste. (1-MT)
  - To implement adequate planning, maintain budgetary controls, initiate adequate staff supervision, and negotiate State/EPA agreements that are consistent with state priorities.

- To insure that hazardous waste treatment, storage and disposal facilities are properly designed, maintained, and operated. (1-MT)
  - To approve or deny facility permit applications, issue new operating permits or permit modifications as expeditiously as possible, and insure compliance with permit conditions at permitted facilities through annual compliance evaluation inspections.
- To assure regulatory compliance at unpermitted facilities that have notified of their waste handling activity. (2-MT)
  - To conduct compliance evaluation inspections where hazardous waste is generated, transported, recycled or otherwise handled at those installations that offer the greatest threat to public health and the environment at a sufficient frequency that will accomplish the goal dependant upon individual site conditions.
- To obtain authorization for all program components which have counterparts in the federal program under RCRA. (2-MT)
  - To maintain and enhance the resources necessary to execute authorized functions, adopt required administrative rules necessary to have required regulatory authority, and submit authorization applications to EPA as soon as possible.
- To assure regulatory compliance at unpermitted sites that have not notified of their waste handling activity. (3-MT)
  - To identify those sites that have the greatest potential of being subject to hazardous waste regulatory requirements and conduct compliance evaluation inspections.

### Motor Vehicle Recycling & Disposal Program

#### Overview

In 1973 the Montana Legislature passed the Motor Vehicle Recycling & Disposal Act (MCA Title 75, Chapter 10, Part 5,) commonly referred to as the state junk vehicle law. The passage of this bill was in response to the ever growing problem of junk vehicles going to area landfills for disposal and the visual blight of unwanted junk vehicles on the landscape of the state. This law and the regulations adopted pursuant to it serve to promote the recycling of this resource which then conserves natural resources.

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- Provide for the removal from the landscape, the proper recycling and disposal, of junk vehicles collected throughout the State. (1-MT)
  - To contract for the crushing of junk vehicles collected and stored at the county motor vehicle graveyards.
- Ensure the protection of the environment and the aesthetics of the State through the administration of the licensing and inspection requirements of the Act. (1-MT)
  - To provide for the proper shielding and operation of the motor vehicle wrecking facilities and motor vehicle graveyards sited throughout the State.
- Provide a continual source of funding through special earmarked revenue for counties in the form of annual grants for the operation of their junk vehicle programs. (2-MT)
  - To assist county program personnel in the effective and efficient implementation of their junk vehicle program and the enforcement of junk vehicle laws and regulations.
- Inspect motor vehicle wrecking facilities and motor vehicle graveyards for compliance. (2-MT)
  - To effectively enforce the provisions of the Act and Rules by timely and proper penalty assessment, license suspension or license revocation.

[The Montana Motor Vehicle Recycling & Disposal Program was high-lighted in the 1992 INNOVATIONS publication by the Council of State Governments as an innovative program that has been successfully implemented by a state. The program has also been recognized for its' recycling efforts by being awarded the U.S. Environmental Protection Agency Administrator's Award for 1990.]

### Solid Waste Management Program

The Solid Waste Management Program is responsible for licensing and regulating all solid waste management



systems in Montana. The primary duties involved in the pursuit of the program's responsibilities include; review of license applications, regular compliance inspections and monitoring of existing facilities, and the pursuit of enforcement action against non-complying facilities. The program also provides technical assistance to solid waste management facility owners and operators on operations and designs as well as advise and guidance to local governments and private citizens concerning the State Integrated Solid Waste Management Plan which promotes reduction, reuse, and recycling of the waste stream. In addition to these primary duties the program is also responsible for the assessment and collection of application and annual licensing fees from all solid waste management facilities.

- Ensure that all proposed solid waste management systems are designed and constructed in compliance with all applicable state laws and rules. (1-MT)
  - To review solid waste management system license applications for compliance and issue/deny licenses as appropriate to approximately 20 new solid waste management systems per year.
- Ensure that all solid waste management systems are operated and maintained in compliance with all state laws and rules. (1-MT)
  - To conduct detailed compliance inspections and monitoring reviews at all licensed solid waste management systems.
- Ensure that program funding mechanisms are maintained and complied with to provide the program with sufficient funds for operation. (1-MT)
  - To assess and collect annual solid waste management system license fees and license application fees from all systems or systems applying for a license.
- Ensure that solid waste management systems are planned, designed, and constructed in a manner compatible with the Montana Integrated Solid Waste Management Plan. (2-MT)
  - Provide technical assistance and advice to owners and operators on licensing, operational, and waste reduction/reuse/recycling issues.
- Ensure that all solid waste disposal activities protect the human and physical environment as required by state laws and rules. (2-MT)
  - Investigate complaints and/or reports of illegal or non-complying disposal activities and pursue legal enforcement where necessary.
- Ensure that system owners, operators and the public have access to reliable information on solid waste disposal issues. (3-MT)
  - To serve as a clearinghouse for information on waste reduction/reuse, recycling technology, composting and household hazardous wastes.

#### Underground Storage Tank Installer Licensing and Permitting

- Review and issue permits for UST installations, modifications, repairs and closures. (1-MT)
- License UST installers, removers and inspectors and require continuing education of licensed individuals. (1-MT)
- Provide educational training to licensed UST installers, removers and inspectors. (2-MT)

#### Underground Storage Tanks

- Endeavor to prevent USTs from leaking through education of tank owners/operators and regulatory oversight. (1-US, MT)
- Maintain a records system of notified, registered and closed USTs systems. (1-US, MT)
- Provide assistance and education to tank owners and operator in the proper design, installation, management and operation of USTs systems. (3-MT)
- Disseminate educational information to tank owners and operators to assist them in meeting the 1998 federal UST upgrading requirements. (2-MT, US)
- Develop and maintain functioning Local Governmental Units in all counties. (2-MT)
- Enforce compliance of the UST financial responsibility requirements to ensure owners and operators have adequate financial resources to cover environmental damages from releases. (1-US, MT)

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## Department of Transportation

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### AUTHORIZATIONS:

US Code 134, 135

Title 23, USC 134 & 135

MCA, Title 60-3-201, 204, 205, 206, 209 & 211

Title 15-70 MCA, Title 23 Chap.1 CFR

Title 17 MCA

17-7-111 MCA, 17-7-112 MCA

60-21-101, MCA

Statutory requirements found at 23 CFR 771.111(h), 23 USC 128 and 40 CFR, 1500-1508, 36 CFR 800, 33 CFR 115.60, 325 and 327, as well as NEPA and MEPA

Logo signs statutory requirements found at 60-5-501 to 527, MCA, OAC authorization found at 75-15-101 to 134, MCA and 23 CFR, Ch.1, Part 750

2-15-2505, MCA

14-70-124, MCA

2-18-102(2), MCA

Delegate authority for personnel administration and classification

2-18-201, MCA

Classification

2-18-203, MCA

Classification appeals

49-3-201, MCA

Governmental Code of Fair Practices

2-15-112, MCA

Duties and powers of department head

2-18-301, MCA

Pay administration

39-31-101, MCA

Collective bargaining

2-18-1001, MCA

Grievance procedure

23 CFR 230, Sub D

EEO Contact Compliance

23 CFR 200, Sub C

Title VI Compliance

23 CFR 230, Sub C

Title VII Compliance

49 CFR 23.1(a)& DBE Program and components

49 CFR 23.43(a)(2)

Davis Bacon Act

## GOALS AND OBJECTIVES:

### Administration Division:

- To provide accountability for the department's financial, planning and information records and systems. To provide assurance to the Legislature, the public and management that the department conforms to applicable laws and policies, that resources are necessary and sufficient for operation and that costs of operation are reasonable using various enforcement, monitoring, and management system activities.
  - Collect, distribute, refund and account for motor fuel taxes, alcohol incentive payments and federal reimbursement for state funds expended in federal aid highway projects.
  - Assure the department policies and procedures comply with the International Fuel Tax Agreement (IFTA) and represent Montana's interests relating to uniformity on the administration of motor fuels use taxation laws with respect to motor vehicles operated in multiple member jurisdictions.
  - Conduct a minimum of 50 International Registration Plan (IRP)/ International Fuel Tax Agreement (IFTA) audits and a statistical sample of motor fuel audits. Report results to individuals and management.
  - Maintain and modify the financial record systems for the federal-aid program expenditures and the state funded construction program expenditures to insure they meet applicable requirements of federal and state laws; are consistent with generally accepted accounting practices and records management practices; meet prescribed billing procedures for claiming reimbursable costs incurred for work performed under provisions of Title 23, United state Code; and provide timely reimbursement of state funds expended on the federal-aid program in order to reduce the overall liabilities of the taxpayers of the State of Montana.
  - Prepare and submit the department's biennium budget request within the submission deadlines set forth in 17-7-112 MCA and as prescribed by the budget director to contain the information required in 17-7-111 MCA.
  - Provide timely and accurate Federal Highway Statistical reports detailing the Highway and Transportation related expenditures and revenues for all levels of state and local government within the state of Montana annually.
  - Provide financial information for use by agency administration, the legislature, Office of Budget Planning and Programming, Legislative Fiscal Analyst Office and the general public for planning purposes.
  - Provide accurate and timely financial information for management to plan future financial requirements and make timely and responsible financial decisions regarding resource utilization, such as budget authority, cash and personnel, and program goals and objectives.
  - Conduct annual internal compliance reviews.
- Manage state funds available to the Montana Department of Transportation for construction and maintenance of the Montana transportation system.
  - Maximize the Montana Department of Transportation's (MDT) motor fuels tax revenue by establishing cooperative alliances with other states and Canada that significantly increase MDT's enforcement tactics.
  - Increase revenue to the Highway Trust Fund by reevaluating the current allocation of motor fuels tax revenues from the special revenue account.
  - Conduct a cooperative study with the Department of Fish, Wildlife and Parks to evaluate the current allocations of the special revenue fund to the state park account, snowmobile account and off-highway vehicle account.
  - Enhance the administrative policies regarding the "Alcohol Tax and Administration Act of 1983" by improving the application process for reservation of the tax incentive payment, require quarterly progress reports, perform on-site inspections for proposed plant sites and audit production records to assure compliance with legislative intent.
  - Negotiate and administer contracts with Montana's Native American Reservations as they relate to motor fuels and ensure the contracts are in accordance with MCA Title 18, Chapter 11.
  - Coordinate with the Montana Department of Revenue (DOR) and Montana-based IRS for cooperative sharing of information relating to joint audits, investigation and prosecutions to implement various procedures to detect fraudulent fuel tax evasion.



- Administer an agreement with the Internal Revenue Service (IRS) to enforce the new federal diesel fuel excise tax implemented by Congress in the 1993 Budget Act. MDT will enforce the federal regulations through contracted services with the IRS to collect and test fuel samples for dye concentration, adulteration and sulfur content. The services provided for the IRS will also help MDT enforce Montana's dyed fuel program that was passed in the 1993 Special Legislative Session.
- To provide the customer-based services to internal and external client groups.
  - Provide prompt, courteous, and informative customer service to the motor fuels taxpayers through assistance on filing tax returns, completing license applications and distributing compliance materials.
  - Increase communication with the motor fuels taxpayers on new and current laws and regulations by establishing institutional training, quarterly newsletters, information booklets/pamphlets and toll-free telephone access to MDT.
  - Establish a motor fuel tax advisory council comprised of governmental and private sector representatives to coordinate the development and implementation of Administrative Rules and policy. Also, discuss the effectiveness of audit techniques and enforcement procedures relating to the petroleum industry.
  - Provide timely and quality printing services for the Contractor Bid Letting Process.
  - Provide word processing services for written communications and completion of specialized documents to support the continuation of reduced clerical staffing throughout the department and add value to the department's written communications.
  - Provide photographic support for engineering design, litigation, land acquisition and other general photographic assignments.
  - Provide prompt, courteous and informative customer service to MDT offices and other governmental entities through assistance in preparing purchasing requests, receipt of goods policies and payment procedures. Continue to provide timely and quality purchasing services to all offices.
- To develop and promote cost effective, timely, integrated, accurate work methods within the department.
  - Change motor fuels tax reporting requirements to decrease paperwork and diminish government involvement in taxpayers' day-to-day operations.
  - Initiate an electronic filing and electronic funds transfer program to facilitate tax return filing and increase the prospect of timely filing.
  - Process timely refunds and still maintain strong internal controls.
  - Continue to enhance the department's records management program by complying with state and federal mandates and by heightening end-user practices. This includes emphasis on analysis and facilitating the automation of records storage and retrieval.
  - Design and program new computer applications or enhance existing applications as necessary to support departmental operations and management.
  - Increase employee and customer access to departmental, state and industry-wide networks.
  - Provide assistance to departmental employees in the proper addressing and packaging of outgoing mail. Continue to provide timely and efficient mail distribution within the department.
  - Monitor statewide stores stock levels and usage to assure stock is on-hand when needed. Move stock around the state to where the "need" is, instead of purchasing more stock. Reduce the amount of stock currently in stores by providing more efficient ways of purchasing items on an "as needed" basis.

#### Public Affairs:

- Public Affairs staff provide information to the public, officials and department employees, respond to the press, and publicize the department's work.(no statutory requirements)
  - Providing support to department employees in communications, publications and presentations, including technical or complex issues, and responding to public information needs.
  - Responding to press inquiries in a timely way to meet public information needs and to establish a working relationship with the news media that facilitates communication and public understanding and awareness of the department's programs.
  - Publicizing information on the department's services and activity. Publicizing safety-related issues and messages: in particular, winter driving and construction work zone safety.
  - Providing useful information to department employees through a newsletter and other means.
- Public Involvement. The program's primary objective is to meet federal requirements for public notice and involvement on federal-aid highway projects and to ensure the public is involved in a meaningful way in the development of programs and projects.
  - Involving the public more directly in decision making

- Assuring comments are heard and considered, and result in better use of resources and better projects, while expediting project development.
- Statewide Road Reports (no statutory requirements) Statewide road information is provided seven days a week, around the clock during winter to the public over the phone and through releases to the news media and the National Weather Service. During the construction season, the information is also sent to a list of "subscribers" and information and maps are sent to the news media and distributed widely.
  - Accurate, timely reports at least twice daily, seven-days a week from late October to April.
  - Weekly reports during the construction season describing delays, detours, etc.
  - Reports highlighting projects or conditions of special importance or interest as they occur.
- Signs. The Motorist Information Sign (Logo sign) Program was authorized by state law which stipulates a liaison be established in the department to coordinate activity and insure compliance with laws, rules and contract provisions. The Outdoor Advertising Control (OAC) program provides for control of advertising meant to be read from interstate or primary highways, as required by federal law.
  - Significantly reduce the need for administrative hearings or other process of law.
  - Revise existing rules and internal policy in accord with the law, while recognizing the importance of outdoor advertising in the Montana economy.

#### Human Resources:

- Develop and administer uniform personnel policies and procedures.
  - Review and comment on Department of Administration proposed personnel policies within specified time limits.
  - Develop and propose to department management personnel policies and procedures as necessary to meet new requirements or to improve the departments operation.
  - Review all Department of Transportation personnel policies and procedures at least once every two years.
  - Audit District and Division administration of policies and procedures once every three years.
- Provide technical assistance to department management and supervisors.
  - Respond to questions within three working days.
  - Respond to immediate situations within one-half hour.
  - Provide supervisory instruction or training in new or changing personnel issues within thirty days of the change or adoption.
- Implement the federally required drug-testing program.
  - Meet the implementation deadline.
  - Meet the requirements of state and federal law for implementing and administering a drug testing program.
- To determine the appropriate classification of new and existing positions in order to provide a basis for many personnel management activities such as pay administration, recruitment and selection, labor relations, policy and procedures, and record keeping.
  - To have clear and concise position descriptions so that accurate classification reviews may be performed;
  - To perform classification and FLSA reviews in accordance with classification policy and in a timely manner through the use of current classification documents;
  - To conduct accurate reviews of classification appeals within the statutory time frame.
- To recruit and select employees on the basis of merit and job-related qualifications in accordance with agency policy and union contracts and without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin(1)
  - To advertise positions with concise and accurate vacancy announcements in accordance with time frames as established by agency policy and union contracts.
  - To review all selection procedures to ensure they are job related and applicants treated consistently at each step in the selection process in accordance with agency policy, EEO guidelines and union contracts.
  - To ensure accurate documentation of each selection by maintaining complete vacancy files and releasing information only to those involved in administering the selection process.
- To ensure pay plan and classification-related pay rules are administered uniformly and consistently(1)
  - To provide an accurate and timely audit of payroll documents so that classification and pay plan rules are administered consistently and pay checks issued within the appropriate pay period.
  - To provide accurate documentation on pay problems so that pay plan exception requests can be evaluated and administered equitably.
- To collect and maintain employee records in a centralized file while protecting an employees right of privacy(1)

- To maintain employee records in their personnel file in accordance with the requirements of agency policies and union contracts.
- To restrict access to confidential employee personnel records to only those with a job-related purpose for viewing the records.
- To ensure employees have a copy of any record placed in their personnel file.
- To maintain a labor relations program that promotes harmony, efficient operation and works toward the goals supporting the mission of the agency (1).
  - To negotiate union contracts in good faith ensuring that both short-and long-range agency goals are met.
  - To maintain continued effective working relationships with union representatives.
  - To ensure fair and equitable administration and interpretation of union contracts so that grievances-- both union and nonunion--are minimal and resolved at the lowest level.
- To assure EEO Contract compliance by contractors with the requirements of Federal-aid construction contracts, including equal opportunity requirements, and to assist in and cooperate with FHWA and FTA programs to assure equal opportunity. (1 - US)(1)
  - To perform at least 12 Compliance reviews per year, conduct two contractor training programs and 25 random field inspections.
- To implement all required Title VI program requirements. (1 - US)(1)
  - Establish Civil Rights Unit, develop complaint procedures, conduct annual Title VI reviews of at least 6 program areas; review all state MDT programs and policies for Title VI impact; conduct training; submit annual Title VI plan to FHWA.
- Prepare and submit and annual updated equal employment opportunity program. (1-US)(1)
  - Collect and analyze internal employment data, develop complaint procedure; investigate complaints, hold at least three career days; visit seven TERO offices, submit quarterly reports to the Director.
- Following the federal regulations, establish and implement a DBE program to support to the fullest extent possible the participation of firms owned by minorities and women. (1-US)(1)
  - Update annual program, certify firms, "manage and implement the program on a day-to-day basis including technical assistance, and disseminating information; manage supportive service contracts."
- Administer the USDOL regulations in order to coordinate the administration and enforcement of the labor standards provisions of the above cited acts. (1-US)(1)
  - Monitor, update and publish wage rates for all federal-aid highway contracts; investigate and resolve complaints, review all contractors payrolls, submit semi-annual Labor enforcement reports.
- Ensure that the purpose of the "Americans with Disabilities Act" to follow the "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" is met. (1-US)(1)
  - Inform all employees of the applicability of the act; make all department programs and services accessible to the disabled public; prepare and file transition plans to remove existing barriers; prepare and file self-evaluation plans for all programs and services; educate all supervisors to preclude any discrimination in hiring; make reasonable accommodation for persons with disabilities; appoint ADA Coordinator.
- Identify and reduce risks, and costs, by preventing or mitigating losses due to accidents, incidents, and work-related injuries by 5% each year.
  - Conduct aggressive claims management of injured workers. Garner line support for work hardening, accommodation of injured workers. Implement the Safety Culture Act.
  - Gather information and provide technical assistance to management and employees to prevent accidents and improve work place safety.
- Promote personal and professional employee development by providing technical and management development programs that support the Department's mission and improve effectiveness and efficiency.
  - Identify needs and develop curricula for management, maintenance, equipment and engineering personnel.
  - Coordinate, secure and/or provide cost effective training tailored to department needs.
- To ensure agency policy and procedures reflect requirements set forth in federal statutes, MCA, EEO guidelines, administrative rules and union contracts(1)
  - To ensure agency policies are clear, concise, and current;
  - To ensure agency personnel policy manuals are up to date and accessible to employees;
  - To provide courteous and efficient technical assistance in policy interpretation and administration.



## CONSTRUCTION AUTHORIZATIONS:

(60-2-201 MCA & 23 USC 114)  
(60-2-201 MCA & 23 USC 114)  
(60-2-201 MCA & 23 USC 114)  
(60-2-201 MCA & 23 USC 114)

## GOALS AND OBJECTIVES:

- To survey, design, acquire the right-of-way and construct safe, cost effective highway improvement projects in order to utilize all available federal funding. (1)
  - Develop Plans for and Construct:

	<u>FY 96</u>	<u>FY 97</u>
Interstate Rehabilitation	75 miles	75 miles
New Interchanges	0	1
Primary System Reconstruction	85 miles	85 miles
Primary System Rehabilitation	100 miles	100 miles
Secondary Construction	35 miles	35 miles
Urban Construction	2 projects	2 projects
Bridge Replacement/Rehab.	12 projects	12 projects
Bridge Deck Rehabilitation	\$4 million	\$4 million
Safety Improvements	\$5.5 million	\$5.5 million
Enhancements	\$5.5 million	\$5.5 million

- To survey, design and acquire the right-of-way for \$30,000,000 per year of safe, cost effective highway improvement projects, that can be available to utilize any additional federal funding that may become available and for replacement of scheduled projects that must be dropped or delayed. (1) 60-2-201 MCA & 23 USC 114

	<u>FY 96</u>	<u>FY 97</u>
Primary Reconstruction	20 miles	20 miles
Primary Rehabilitation	15 miles	15 miles
Interstate Rehabilitation	20 miles	20 miles

- To survey, design and acquire right-of-way for and construct safe cost effective state funded highway preservations projects on the state maintained system. (1)

	<u>FY 96</u>	<u>FY 97</u>
State Preservation Projects	\$5 million	\$5 million

- To survey, design and acquire the right-of-way for an construct safe and cost effective state funded highway preservation projects ont he secondary systems (2)

	<u>FY 96</u>	<u>FY 97</u>
State Preservation Projects	\$15 million	\$15 million

- To develop, implement and monitor management systems mandated by ISTEA so as not to jeopardize federal funding.
  - Pavement Management

	<u>FY 96</u>	<u>FY 97</u>
Safety Management	Develop 10-1-95	Fully Operational by 10-2-96
Bridge Management		

- Meet the federal mandate as described by FHWA metric conversion plan so as not to jeopardize federal funding
  - All plans, specifications and estimates in metric units, with exceptions approved, by September, 1996.

## MAINTENANCE AUTHORIZATIONS:

(60-2-203 MCA & 23 USC 116)

(60-2-203 MCA & 23 USC 116)

(60-2-203 MCA & 23 USC 116)

## GOALS AND OBJECTIVES:

### MAINTENANCE:

- To efficiently preserve the highway system at the highest achievable uniform level while protecting and/or enhancing the environment; and
- Maintain the highway system within a given level of service that is defined by activities that should be performed in priority order for a given level of funding.
  - Perform current winter maintenance practices that provide bare roads whenever, or as soon as possible on all state maintained routes. This level of service requires crews to react when required regardless of time of day or day of week, sometimes for extended periods of time, and in some locations, operate 24 hours per day 7 day per week throughout the winter. Winter maintenance is provided for the safety of the traveling public. The biennium budget for winter maintenance is based on an average winter and on meeting the level of service defined above through:
  - Routine patrolling of roadways to identify and report hazards and/or winter road conditions. (pass miles)
  - Plowing, sanding, and/or applying liquid de-icer, making snow berms or traps, and blowing snow from the roadways or rights-of-way. (pass miles and quantity of materials used)
  - Removing ice and snow from streets and roads by windrowing, loading and hauling. (linear feet)
  - Erecting, repairing and removing snow fence. (employee hours)
  - The preservation of the highway system through systematic pavement preservation activities designed to extend roadway life and to correct safety deficiencies.
  - Machine patching of roadways and shoulder surfaces to correct cracking, raveling, spalling to restore skid resistance and prevent further deterioration of the surface. (square yards)
  - Applying asphalt and aggregate material to sections of paved surfaces to seal new patches, cracks or rejuvenate the pavement to prevent further surface deterioration or to improve skid resistance. (square yards)
  - Cleaning and filling cracks and joints in the pavement to prevent the intrusion of water. (lane miles)
  - Applying a rejuvenation agent to sections of bituminous roadway surfaces to retard deterioration. (lane miles)
  - Patching small areas of pavement with a bituminous material to correct abrupt edges or potholes. (square feet)
  - Maintain safety features and provide public services that comply with a variety of state and federal laws and regulations encompassing such things as:
  - Pavement striping of centerline, edgeline and lane markings to provide traffic control. (miles of 4 inch stripe)
  - Placing messages on the roadway surface to provide well defined markings for vehicular and pedestrian traffic control including stop bars, cross walks, curbs, arrows, traffic islands and hazard stripes. (square feet)
  - Routine patrolling of roadway to identify and control hazardous conditions and safety deficiencies. (pass mile)
  - Routine physical inspection of signs, guardrail and luminaire standards to insure proper tension in cables and proper torque on bolts on breakaway signs. (pass mile)
  - The installation and replacement of single and multiple post and overhead signs. (number of signs)
  - Replacing and/or repairing damaged guardrail sections or hardware resulting from accidents, vandalism, or normal deterioration. (linear feet)
  - Repair, replace, and maintain roadway and sign lighting. (each)
  - Provide a clean, attractive roadside, free from litter and other debris and keep vegetation to an acceptable height to enhance roadway esthetics and improve sight distance for safety.
  - Mechanical sweeping and/or power flushing of dirt and debris from paved surfaces, along curbs and gutters, and along median barriers to perpetuate drainage and to reduce dust and loose material on the road. (pass mile)
  - Removing debris and rocks from the roadway. (employee hours)
  - Cutting grass and weeds to maintain sight distances, to maintain drainage, to control noxious weeds, to improve aesthetics, to reduce fire danger and to reduce snow drifting. (swath mile)

- Chemically treat turf areas to control or prevent the growth of vegetation. (acres)
- Picking up litter on right-of-way which includes pickup, loading, hauling and disposal at designated locations. (pass mile)
- Maintaining and cleaning rest area buildings and grounds including litter barrel service. (employee hours)
- Other maintenance activities that are performed on a preventive maintenance basis or that are the result of natural disasters such as earthquakes, floods, snowslide and fires.
- Maintaining and cleaning each MDT facility including yards, buildings, and storage areas. (employee hours)
- Hauling of stockpile materials such as, sand, gravel and plant mix from one location to another. (cubic yards)
- Maintaining, repairing or transporting equipment. (employee hours)
- Planning and scheduling of maintenance activities, inspection of maintenance sites, participating on review boards or selection committees, and other administrative duties such as court appearances, depositions, adopt-a-highway safety meetings, etc. (employee hours)
- Ensure that department facilities comply with hazardous materials regulations and the remediation of sites identified in the Facilities Hazardous Materials Audit.
- Continual review of department sites to ensure facilities and sites are in compliance with hazardous materials rules and regulations.
- Remediation of present sites that are not in compliance with state and federal hazardous materials rules and regulations.
- Site monitoring to determine appropriate methods of cleanup and disposal of contamination.
- Coordinate the preparation and approval of cleanup and disposal plans to ensure compliance.
- Train and assist department personnel in identification and proper disposal methods of contaminated materials.

#### **STATE MOTOR POOL AUTHORIZATIONS:**

(1-17-411 MCA)

#### **MOTOR POOL:**

- Maintain a fleet of vehicles to provide transportation to Helena based agencies to conduct official business. Motor Pool operates under the authority of 1-17-411 MCA.
  - Maintain the Motor Pool fleet at the appropriate number and composition to meet the needs of the users.
  - Perform an annual fleet analysis, and adjust the fleet size to accommodate 90 percent of user demand.
  - Provide a lease program to meet agency special requirements.
  - Maintain the fleet in a safe, reliable condition through:
    - Level I preventive maintenance -- services every 5,000 miles.
    - Level II preventive maintenance services performed at 30,000 and 60,000 miles and a vehicle condition review at 80,000 miles.
  - Vehicle return inspections after each use.
  - Evaluation of user complaints.
  - Vehicles repaired as required.

#### **EQUIPMENT:**

- Acquire and maintain a fleet of vehicles and equipment that is multi-functional, safe, and meet the needs of the various department users.
  - Involve users in equipment planning decisions and purchase planned equipment in a timely manner. Ensure that all fabrication and assembly is completed expeditiously.
  - Review the fleet on a semi-annual basis to identify under-utilized or unproductive vehicles and equipment and make recommendation for disposal or replacement. Update the fleet size analysis if required.
  - Maintain all units in the fleet in a safe, reliable condition:
  - Ensure that repairs are performed in a timely manner to keep downtime and cost to a minimum.
  - Review Level II service reports monthly to ensure that preventive maintenance is being conducted in a timely manner.



## GOALS AND OBJECTIVES:

### MOTOR CARRIER SERVICES:

- Protect Montana's and the Federal Government's investment in Montana's highway system and the safety of the traveling public through effective, uniform and customer-oriented enforcement.
  - Accomplish:
  - 2,500 vehicle safety inspections.
  - 4,500 driver safety inspections.
  - 325,000 visual vehicle and registration compliance inspections.
  - 17,000 portable vehicle weights.
  - 1,000,000 fixed scale vehicle weights.
- Register, license and permit motor carriers and collect associated fees.
  - License and register 55,000 vehicles.
  - Issue 90,000 permits.
- Assure that motor carriers operating in Montana are in compliance with appropriate state and federal laws.
  - Provide training for the motor carrier industry and the agricultural industry.
  - Accomplish 15,000 fuel samples per calendar year.
- Prepare for implementation of new technology to improve Division performance without increasing staff.
  - Provide a technology implementation plan for review by the Public, the Motor Carrier Industry, the Legislature, and the Highway Commission.
  - Install weigh-in-motion equipment at the Billings Interstate weigh station as part of a current reconstruction project. Provide direct computer access to the MDT statewide computer network at the Billings Interstate weigh station. "Networking" will increase efficiency and allow expanded utilization of the weigh station PC's.

### AERONAUTICS AUTHORIZATIONS:

(67-1-102,MCA)	Search and rescue program expansion
(67-1-102, 67-2-105, 67-2-401, MCA)	To register Montana-based aircraft and pilots.
(1) 67-1-105, 67-3-101, 67-3-102, 67-3-103, 67-3-104, 67-3-105, 67-3-201, 67-3-202, 67-3-203, 67-3-204, 67-3-205, 67-3-206, 67-3-211, 67-1-102, 67-5-101, MCA	Flight safety
67-2-101, MCA	
67-2-101, MCA	
67-2-101, MCA	
67-1-105, 67-3-401, 67-3-402, 67-3-403, 67-3-404, 67-3-405, MCA	
67-2-101, MCA	
67-1-104, MCA	
67-2-301, 67-2-302, MCA. 49 USC 1354 (2) and 1422	
49 USC 1356 - 1358, 1421, 1655 (c)	
Public Law 463, 81st Congress	
67-1-301, 67-1-304, MCA	

## GOALS AND OBJECTIVES:

### Aeronautics:

- Increase airline and general aviation activity and to foster and promote further growth of Montana aviation organizations. (1)
  - Serve on committees or work individually with both airline and general aviation groups by conducting research and providing statistical data and general information to attract aviation economic development and to improve interstate and intrastate scheduled airline access.
  - Provide leadership and administrative assistance to the Governor's Essential Air Service Task Force and to actively participate in the National Communities of Cities and States for Airline Service (NCCSAS) and to testify at congressional hearings in support of continued essential air service to small communities. Montana has seven designated essential air service points.
  - Coordinate an annual aviation conference to bring together all members of Montana's aviation community, national and federal aviation organization representatives, to learn from each other and to discuss issues of mutual concern.
- To expand and improve the Division's statewide air search and rescue program. (1)
  - Coordinate and participate in training provided by the United States Air Force Air Rescue Coordination Center.
  - Provide more training programs for volunteer search coordinators, pilots, and observers.
  - Provide additional emergency locator transmitter (ELT) homing equipment for volunteer air search districts.
  - Provide additional funds for reimbursement of air search volunteer costs.
  - Provide training for local sheriff departments and their volunteer ground search teams to improve air/ground search efforts.
  - Work with national and international organizations as well as provincial, state and federal governments in an effort to achieve uniformity in the laws relating to the development and regulation of aeronautics within the United States and Canada.
- To register Montana-based aircraft and pilots. (1)
  - Educate aircraft owners and pilots of applicable state laws through effective communications.
  - Take necessary enforcement actions as stipulated by statute.
- To provide for the protection and promotion of flight safety in aeronautics. (2) 67-1-102, 67-5-101, MCA.
  - Provide flight safety seminars for pilots throughout the state.
  - Provide a federally approved flight instructor refresher clinic annually.
  - Provide an annual aviation mechanic seminar.
  - Inspect potential hazards to air navigation and recommend proper obstruction markings, removal, or opposition to construction.
- Modernize our navigational aids statewide network and implement a plan for additional navigational aids and weather reporting sites. (2)
  - Replace the four obsolete tube-type non-directional radio beacon (NDB) transmitters that no longer meet federal requirements for instrument approach procedures for Montana public-use airports.
  - Increase by an additional two to five, the present 25 NDB facilities to include other Montana communities meeting basic requirements.
  - Continue to expand our satellite pilot weather program from two to seven to replace the Federal Aviation Administration's Flight Service Stations that are being closed.
  - Modernize the Division's 17 airway beacon facilities to allow better light output and lower power consumption.
  - Investigate and install when technically and economically feasible enhanced Global Positional Satellite (GPS) ground based stations for instrument approaches at Montana public-use airports.
- Encourage, foster and assist in the development of aeronautics and encourage the establishment of airports within the state. (3)
  - Maintain and update a Montana State Aviation System Plan. This federally funded (90%) plan provides a five-year airport improvement plan for Montana airports, reviews airport obstructions, and updates federal lists of airports eligible for federal funding. It is a primary planning tool for airport information and development. Annual updates are conducted.
  - Provide outstanding technical support to communities for planning, construction, maintenance and

- other airport improvements.
- Assist communities with review of plans, securing federal funding, training on airport lighting systems, beacons, navigational aids and other airport problems.
- Operate a program for resale of airport supplies, lights, bulbs and other support items. Bulk rate discounts are given to airports.
- Provide current aeronautical publications and information to the public. (3) 67-2-101, MCA.
  - Conduct annual federal airport safety inspections for 85 - 110 Montana airports under a reimbursable contract. Information is used by all national, federal and commercial publishers and also for the Division's annual airport directory update and aeronautical chart published every four years. Information is provided to local airport owners to correct any safety deficiencies.
  - Provide Aeronautics published and distributed newsletter of aviation topics to Montana registered pilots and other aviation organizations.
- Seek ways to increase Division's revenues to provide for the above goals. (3)
  - Work with Montana Aeronautics Board and the Montana aviation organizations to achieve a fair and equitable means of assessing aviation user fees.
- Certify commercial air operators for insurance liability requirement. (3)
  - Educate commercial air operators of the state law through effective communications.
  - Take necessary enforcement actions as stipulated by statute.
- To provide aviation career awareness opportunities for Montana's youth. (3) 67-2-101, MCA.
  - Provide accredited college workshop programs for educators through the Montana University System.
  - Participate in school career day programs.
  - Make classroom presentations at elementary, secondary, and collegiate schools.
  - Provide a career awareness program for Pre-K - 12 students. This is provided in cooperation with the state school districts.
  - Work with national and state aviation organizations on education-related activities. Participate and cooperate in national aviation education efforts.
- Support keeping existing public/recreational air strips open for public use. (3) 67-1-104, MCA.
  - Work with Montana aviation organization and the United States government in an effort to seeks ways to fund and maintain these airstrips.
  - Provide technical and engineering support.
  - Jointly participate in funding necessary safety enhancements.
- Provide safe, modern, well-maintained state-owned and operated airports including the Yellowstone air-carrier airport. (3)
  - Provide all ground services required by today's airline passengers and flying public utilizing the Yellowstone Airport.
  - Actively promote the Yellowstone Airport in order to obtain additional airline service and increase tourism to Montana.
  - Update the Yellowstone Airport facilities as necessary to handle today's aircraft, meet federal security and certification requirements to prevent obsolescence and unsafe conditions.
  - Maintain the additional eleven state-owned airports through cooperative maintenance agreements with the Highway Division, local communities and the Aeronautics Division.
- Provide an airport loan and grant program to assist Montana communities to plan and construct airports and to receive 90% federal funding. (3)
  - Provide an airport loan fund of \$1,000,000 plus with a 10-year payback period. New general aviation airports cost \$1,000,000 to \$1,500,000 and many communities are unable to provide the necessary 10% local funding due to Initiative 105 and local mil levies. Airport improvement projects may cost less but are equally difficult to finance locally. Loan repayments and interest would be placed into a special trust fund specifically for this purpose. An average of five projects are accomplished each year.
  - Grants to assist the community with its local share would be provided for up to %5 of the total project or one-half of the sponsor's share.
  - Preliminary engineering grants of \$1,000 to assist with planning could be expanded from \$5,000 per year to \$10,000.

#### TRANSPORTATION PLANNING AUTHORIZATIONS:

15-70-101, MCA  
 60-3-206, MCA  
 60-21-101, MCA



## GOALS AND OBJECTIVES:

### Transportation Planning Division:

- Develop and program a multi-modal long-range construction program that (1) is responsive to statewide transportation; (2) provides a proper balance between highway full reconstruction and repaving projects; (3) is fiscally responsible; and (4) has public support.
  - To determine the State of Montana's optimal multi-modal project mix and to effectively obligate and manage the department's state and federal-aid transportation funds to ensure project cost effectiveness, compatibility between and within the various modes of travel, and sensitivity to the environment.
- Expend all federal transportation funds available to the state and capture any additional federal funds available through grants or redistribution of unused obligation authority.
  - Assure adequate state funding to match available federal-aid so that no funds are lost.
  - Assure high level of coordination on project selection and design so funds can be obligated when available.
- Implement a statewide transportation plan that is aggressive and is aimed at integrating a proper modal balance to maximize utilization of all modes of transportation for efficient movement of people and goods in the state.
  - Prepare comprehensive annual planning work programs which maximize the use of federal planning dollars in meeting state and federal planning requirements.
  - When available, apply for special federal planning grants that can be used to supplement regular planning funds in meeting department planning needs.
  - Implement and update plan development which will consider public involvement and involve interagency coordination of related programs, be fiscally sound, and will serve as a basis for the statewide transportation improvement programs.
- Assure Montana financial district laws regarding the distribution of transportation program funds are complied with.
  - Develop/maintain a comprehensive data base in support of critical road miles by financial district.
- Assure the mission, objectives and tactics of the department's strategic management plan are incorporated into the statewide transportation planning process.
  - Investigate and address legitimate transportation issues and new transportation initiatives put forth by the departments customers and employee groups.
- To plan, prioritize, and provide technical assistance to counties on the secondary road program; to participate as a member of an intergovernmental team to plan and coordinate the Forest Highway Program; to plan and prioritize projects for the Off-system Bridge Program.
  - Yearly secure funding for Public Lands Projects.
  - Plan and program secondary road projects and maintain contact with each county to insure continuation of the existing secondary road program.
  - Prioritize Off-System Bridge Projects each year and coordinate and prioritize SOS projects.
- To develop and administer state rail activities: monitor freight rail car movements and system actions to provide information on track conditions, and exemptions for clearinghouse activities or abandonments; monitor rail passenger facilities and ridership statistics, Right of Way agreements and leases on state owned railroads; To fund and monitor construction and rehabilitation projects. To select, fund and monitor rail highway crossing projects.
  - Prepare and monitor federal grant application.
  - Conduct shipper surveys.
  - Conduct and record monthly assessment of rail car movements and rail passenger ridership statistics.
  - Produce branch line assessments.
- To conduct road inventories which certify mileage used to calculate tables for the disbursement of gas tax and secondary road funds; to update maps and feed data into the highway information system; to biennially produce a road log manual which contains project and mile post information for all roads on the Montana highway system.
  - Complete mileage certifications for city and county road mileage.
  - Develop the gas tax and the secondary road fund disbursement tables.
  - Conduct forest service road reviews.
  - Conduct city/county road inventories.
  - Conduct awareness meetings with counties on mileage certification policies and procedures.
- To implement ISTEA as it relates to transit programs; to represent the state on public transportation issues; to provide funding to local transit programs for capital and planning projects, operating

assistance, and training programs

- Prepare vehicle specifications and purchase vehicles.
- Prepare and monitor federal grant programs.
- Process and monitor grants to local entities.
- Conduct on-site reviews and management reviews.
- Inspect vehicles.
- Conduct transit training workshops.
- To implement ISTEA as it relates to the State's metropolitan planning process; to fund urban areas to emphasize the preservation of transportation systems, transit service, freight movement, land use, considering congestion relief and air quality attainment standards.
  - Approve Urban Transportation Improvement Programs.
  - Administer the Section 8 grant.
  - Complete special studies.
  - Monitor program activity reports.
  - Conduct certification reviews.
- Improve communications and relations with tribal governments and fully integrate them into the Department's ongoing transportation planning process.
  - Through technical assistance, better educate tribal governments regarding Montana's transportation issues and the provisions of ISTEA; to assure reservations receive a fair share of funding for their transportation needs.
- Coordinate and foster a public private partnership to make Montana transportation system safer and more effective by identification, development, integration and deployment of advanced technologies.
  - Organize an advisory group for the purpose of advancing IVHS technologies in Montana.
  - Prepare an IVHS plan that addresses all modes of transportation. Special consideration will be given to advanced technologies that address traffic control, traffic monitoring, CVD and public transportation.
  - Pursue public and private sector partnerships for the purpose of applying FHWA sponsored operational test grants.

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## Department of State Lands

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### GOALS AND OBJECTIVES

- Manage the State's Trust Land Resources to produce revenues for the trust beneficiaries while considering environmental factors and protecting the future income generating capacity of the land.
- Regulate the development and require the reclamation of all mining activity in Montana and facilitate the reclamation of abandoned mine lands, to maintain long term stability and utility of the land and water resources.
- Protect Montana's natural resources from wildland fires through regulation and partnership with federal, state and local agencies.
- Promote stewardship of Montana's shelterbelt, forests and urban trees, and regulate forest practices to protect water quality.

### CENTRAL MANAGEMENT AUTHORIZATIONS

2-15-3202, MCA	Commissioner established
77-1-111)1_, MCA	Department's regulatory programs
77-1-105, MCA	Proper procedures to determine title
Article X, Sections 2 and 3 of the 1972 Montana Constitution - Interests in school trust funds (including the lands) to be inviolate.	
77-1-301(2), MCA	Collect and receive all moneys payable

## GOALS AND OBJECTIVES

### Central Management Division

- To assure proper and timely collection and distribution of revenue earned from trust lands.
- To assure that the Department's fiscal management practices are consistent with state statute and regulations.
- To provide safe and economical aviation services to the Department programs
- To provide coordination and support for mainframe and microprocessor operations for the Department.
- To provide equal opportunity to all Department employees and any applicant seeking employment with the Department.
- To provide legal advice and representation to the Board of Land Commissioners and the Department.

## RECLAMATION AUTHORIZATIONS

Article IX, Section 2, Paragraph 1	Montana Constitution
75-1-101 et. seq., MCA	Montana Environmental Policy Act (MEPA)
82-4-101 et. seq., MCA	Montana Strip and Underground Mine Siting Act
82-4-201 et. seq., MCA	Montana Strip and Underground Mine Reclamation Act; and Federal Public Law 95-87, Title V - Surface Mining Control and Reclamation Act of 1977 (SMCRA)
82-4-301 et. seq., MCA	Montana Metal Mine Reclamation Act
82-4-401 et. seq., MCA	Montana Opencut Mining Act
Federal Public Law 95-87, Title IV	Surface Mining Control and Reclamation Act of 1977 (Abandoned Mine Reclamation)

## GOALS AND OBJECTIVES

### Reclamation Division

#### Hard Rock Mining Bureau

- Administer and enforce the Montana Metal Mine Reclamation Act, the Montana Environmental Policy Act and their respective administrative rules; meet all statutory time frames (applications, revisions, amendments, MEPA, etc.); perform inspection (permit terms and on site), enforcement, monitoring, and bond release activities as needed; and to obtain successful reclamation of mines and exploration projects. Implement the recommendations and requirements that are developed as a result of the Legislative Audit pursuant to SJR 28.

#### Coal & Uranium Bureau

- Administer and enforce the Montana Strip and Underground Mine Reclamation Act, the Montana Strip and Underground Mine Siting Act, the Montana Environmental Policy Act and their respective administrative rules; and comply with Public Law 95-87, the Surface Mining Control and Reclamation Act of 1977, to meet all statutory time frames (applications, revisions, amendments, MEPA, etc.); to perform inspection (permit terms and on site), enforcement, monitoring, and bond release activities as needed; and to achieve effective reclamation of all lands disturbed by the taking of coal or uranium.

#### Opencut Mining Bureau

- Effectively administer and enforce the Montana Opencut Mining Act, the Montana Environmental Policy Act and the respective administrative rules to meet all statutory time frames (applications, revisions, amendments, etc.); to perform inspection (permit terms and on site), enforcement, monitoring and bond release activities; and to achieve successful reclamation of all disturbed lands.

#### Abandoned Mine Reclamation Bureau

- Administer and enforce a reclamation program which complies with all state and federal laws, rules and regulations. Identify, reclaim and restore all lands adversely affected by past mining, or disturbed by the



taking of natural resources when there is no continuing reclamation responsibility, in order to eliminate hazards to public health and safety and to eliminate general environmental degradation. Continue to develop and implement with the appropriate State and Federal agencies a Montana abandoned and inactive hardrock mine reclamation/environmental clean-up program.

#### Environmental Analysis Program

- Administer and enforce the provisions of the Montana Environmental Policy Act with respect to Montana's mined land reclamation statutes in order to identify, evaluate and mitigate the impacts of a proposed project.

#### **LANDS DIVISION AUTHORIZATIONS**

25 STAT. 679

The Enabling Act of 1889 granted the State certain lands for the support of common schools and other trusts

Art. I Montana Constitution

Accepts all provisions of the enabling act of Congress

Art. IX, Sec. 1 Montana Constitution

Calls for a clean and healthful environment for present and future generations.

Art. X, Sec. 10 Montana Constitution

Provides for the classification of state lands acquiring full market value for sale of state lands and the exchange of state lands for other lands

75-1-103 MCA

Montana Environmental Policy Act Promotes efforts to prevent or eliminate damage to the environment and to attain the widest range of beneficial uses of the environment without degradation or other undesirable or unintended consequences.

77-1-202 MCA

Powers and Duties of the Board Trust lands are held in trust for the support of education and the lands shall be held in trust to secure the largest measure of legitimate and reasonable advantage to the state

77-1-203 MCA

Multiple Use Management Provides that the various resources of state lands be managed in a combination that best meets the need of the people and the beneficiaries of the trust

77-1-204 MCA

Power to sell, lease, or exchange certain state lands. Authorizes the sale and exchange of state lands and leasing of state lands for uses other than agricultural, grazing, timber harvest, or mineral production.

77-1-301 MCA

Powers and Duties of the Department. Provides that the Department has charge of the selecting, exchange, classification, appraisal, leasing management, sale, or other disposition of state lands and the Department shall collect and receive all monies payable to the state from various sources resulting from school trust land uses.

77-1-604 MCA

Resource Development account. Provides for a special revenue fund for the purpose of investing in the improvement and development of state school lands.

Recreational Use of State Lands. Provide for the use of state lands for general and special recreational use, license required, rules, liability, notification to lessee, recreational use account, compensation for damage to lessee improvements, and weed control management.

Easements for public uses. Provides for the granting of easements on state lands.

Exchanges of land. Provide for the exchanging of state lands with the United States or tribal governments, counties and private lands.

Sale of state land under board control. Provides for the sale of certain state lands.

Sale of leased cabin or home sites or city or town lots. Provides for the lessee to make application to purchase a leased home or cabin site.

Surface leases authorized. Authorizes the leasing of state lands for agriculture, grazing, and commercial development.

Appraisal of grazing lands. Outlines the department's responsibilities in appraising grazing lands owned by the state.

Renewal leases. Outlines the procedures for renewal of grazing, agricultural and commercial leases.

Assignment of leases -- subleasing -- loss of preference right. Provides for the assignment of state leases with approval by the department.

Cancellation of leases. Authorizes the department to cancel leases for certain causes.

Pledge or mortgage of leasehold interest in state lands. Authorizes the pledging or mortgaging of the leasehold interest in grazing or agricultural state lands.

Agricultural leases. Provides for the basis for rental to be charged on state agricultural leases.

Grazing leases. Provides the basis for rental to be charged on state grazing leases.

Leases of city lots, town lots, and commercial property. Authorizes the leasing of state lands for town lots, city lots, and land valuable for commercial development.

## GOALS AND OBJECTIVES

### Surface Management Program

- Provide income to the school trust through the orderly leasing, renewal, recording, and assignment, subleasing, and filing of mortgages on grazing, agricultural and special leases.
  - To renew approximately 1000 leases annually. To conduct billings and to ensure payment of annual rentals on approximately 10,000 existing leases. To issue approximately 50 new leases annually. To process approximately 500 assignments, subleases and mortgages annually.
- Provide periodic review and inspection of existing grazing, agriculture, and special leases to ensure

- compliance with the lease agreement, statutes, and rules and regulations governing those leases.
  - To annually review approximately 250 leases (non-renewals).
- Manage state grazing, agriculture, and special lease lands to improve their current productivity and protect the land for sustained long-term use and revenue generation.
  - To undertake approximately 100 management actions annually.
- Administer the Recreational Use program on school trust lands in accordance with the statutes, administrative rules and departmental policy.
  - To educate all recreationists in the state of the program and sell 45,000 general recreational use licenses annually. To process and issue approximately 200 special recreational use licenses annually. To coordinate with the Department of Fish, Wildlife and Parks on approximately 100 violations annually.
- Maintain an up-to-date Department policy regarding state lease participation in the Federal Farm Program to ensure the state receives its fair share of the program benefits and complies with Federal regulations.
  - To review approximately 2500 individual Farm Program enrollments annually. To monitor compliance with approximately 600 Conservation Reserve Program contracts on state leases.
- Record all agreements and resource information within the Trust Land Marketing System for the orderly retrieval and use of resource information in making management decisions for the benefit of the state school trusts.
  - To record information relating to all leases, licenses and rights of way discussed in other goals.
- Develop new Resource Development projects in the areas of stockwater development, irrigation, commercial development and resource protection which will enhance the value of the school trust lands for the benefit of the school trusts.
  - To develop new projects as funds and manpower are available.
- Conduct the orderly review and evaluation on existing Resource Development projects to ensure proper maintenance and protection.
  - To inspect approximately 12 projects annually.
- Inspect and record cultural resource sites on state trust lands to insure the protection and quantification for future reference and preservation.
  - To conduct cultural and paleontological reviews on approximately 250 actions annually.
- Continue the water adjudication process on state school trust lands.
  - To review approximately 10,000 water rights appropriations and adjudications annually.
- Evaluate potential Federal and private land exchange proposals for the benefit to the school trust.
  - To evaluate and process exchanges as manpower and priorities allow.
- Review and authorize temporary land uses on state lands for uses other than the primary classified use to provide income to the school trust, and provide multiple use of the school trust lands.
  - To issue approximately 100 land use licenses annually.
- Review and evaluate permanent easement applications for rights of way across state trust lands.
  - To review and issue approximately 125 rights of way annually.
- Review and evaluate requests for sales of state trust lands for the benefits to the trusts and the people of the state.
  - To review and process sale requests as dictated by the Land Board.
- Continue to review, research, and implement computerized management information systems for surface and mineral trust land management.

## **MINERALS MANAGEMENT AUTHORIZATIONS**

25 STAT. 679	The Enabling Act of 1889 granted the state certain lands for the support of common schools and other trusts.
Art. I Montana Constitution	Accepts all provisions of the enabling act of Congress.
Art. IX, Sec. 1 Montana Constitution	Calls for a clean and healthful environment for present and future generations.
Art. X, Sec. 10 Montana Constitution	Provides for the classification of state lands acquiring full market value for sale of state lands and the exchange of state lands for other lands.



75-1-103 MCA

Montana Environmental Policy Act Promotes efforts to prevent or eliminate damage to the environment and to attain the widest range of beneficial uses of the environment without degradation or other undesirable or unintended consequences.

77-1-202 MCA

Powers and Duties of the Board Trust lands are held in trust for the support of education and the lands shall be held in trust to secure the largest measure of legitimate and reasonable advantage to the state.

77-1-203 MCA

Multiple Use Management Provides that the various resources of state lands be managed in a combination that best meets the need of the people and the beneficiaries of the trust.

77-1-204 MCA

Power to sell, lease, or exchange certain state lands. Authorizes the sale and exchange of state lands and leasing of state lands for uses other than agricultural, grazing, timber harvest, or mineral production.

77-1-301 MCA

Powers and Duties of the Department. Provides that the Department has charge of the selecting, exchange, classification, appraisal, leasing management, sale, or other disposition of state lands and the Department shall collect and receive all monies payable to the state from various sources resulting from school trust land uses.

77-3-102 MCA

Mining leases authorized. Authorizes the leasing of state lands for the purpose of prospecting for or mining of metalliferous minerals or gems.

77-3-201 MCA

Nonmetallic mineral leases authorized. Authorizes the issuance of permits or leases for removal and disposition of nonmetallic minerals on state lands.

77-3-301 MCA

Coal leases authorized. Authorizes the leasing of state owned coal.

77-3-401 MCA

Oil and gas leases authorized. Authorizes the leasing state owned oil and gas resources.

77-3-501 MCA

Lease for underground storage of natural gas authorized. Authorizes the leasing state lands for use for the underground storage of natural gas.

77-4-101 MCA

Geothermal leases authorized. Authorizes the leasing of state owned geothermal resources.

## GOALS AND OBJECTIVES

### Minerals Management Program

- Use available technology to manage state mineral resources in an economically efficient and environmentally sound manner.
- Conduct the orderly leasing, permitting, evaluating and recording of oil and gas, metalliferous and non-metalliferous, coal, and sand and gravel agreements for the benefit of the school trust.
  - To provide leasing, recording, and related services for approximately 3,500 existing and 500 new agreements issued annually.
- Review and inspect pre-development plans and operations to assure the protection and the wise use of natural resources on school trust lands.
  - To review approximately 150 plans annually.

- Provide periodic review and inspection of existing mineral leases to ensure compliance with the lease agreement, statute, and rules and regulations.
  - To inspect approximately 100 leases annually.
- Evaluate potential federal and private mineral exchanges for the benefit of the school trust.
  - To evaluate mineral exchanges as requested.
- Continue to audit reported production and royalty payments from oil, gas and other mineral leases through a memorandum of understanding with the Department of Revenue.
  - To conduct approximately 15 field audits annually (multiple leases/audit).
- Continue evaluation of the title question of state ownership on the river beds, islands, and abandoned river channels of the navigable rivers throughout the state.
  - To complete approximately 10 evaluations annually.
- Record basic lease agreement information in the Trust Land Marketing System for the orderly retrieval and use of basic lease information.
  - To record information regarding 3,500 existing and 500 new leases annually.

## FORESTRY DIVISION AUTHORIZATIONS

Art. I, The Montana Constitution	Accepts all provisions of the enabling act of Montana Constitutional Congress
Art. IX, Sec. 1, The Montana Constitution	Calls for a clean and healthful environment for present and future generations
Art. X, Sec.10, The Montana Constitution	Provides for the classification of state lands, acquiring full market value of state lands and the exchange of state lands for other lands
7-33-22, MCA	Rural Fire Protection
7-33-2108, MCA	Mutual Aid Agreements with Rural Fire Districts
7-33-4112, MCA	Mutual Aid Agreements with Municipal Fire Departments
10-3-2, MCA	Intergovernmental Cooperation
10-3-3, MCA	State Planning & Execution
50-63, MCA	Investigation of Fires
75-1-103, MCA	Montana Environmental Policy Act
76-11-1, MCA	Protection from Fire
76-13-1, MCA	Protection of Forest Resources
76-13-104(1)(2)	Authorizes technical and practical advice concerning forests and related resources
76-13-104(3), 131, and 135, MCA	Provides information and advice about Best Management Practices (BMP)
76-13-2, MCA	Provision of Fire Protection Services
76-13-3, MCA	Mandates the Department to protect and preserve forest resources.
76-13-4, MCA	Control of Timber Slash and Debris
77-1-202, MCA	Powers and Duties of the Board

77-1-203, MCA	Multiple Use Management
77-1-613, MCA	Deduction of portion of income received from sale of timber.
77-1-204, MCA	Power to Sell, Lease, or Exchange State Lands
77-2-101, MCA	Easements for Public Uses
77-2-301, MCA	Sale of State Land under Board Control
77-2-318, MCA	Sale of Leased Cabinsites
77-5, MCA	State Forests and Firewardens
77-5-101, MCA	Classification of Lands as State Forests
77-5-103, MCA	Role of the Department
77-5-201, MCA	Sale of Timber
77-5-204, MCA	Sale of Timber Fee for Forest Improvement.
77-5-301 and 307, MCA	Provides standards for the conduct of forest practices in Streamside Management Zones
77-5-4, MCA	Authorizes the Department to establish and maintain a program in community and urban forestry.
87-3-106, MCA	Hunting and Fishing Prohibited in Fire Danger Areas
Granger-Thye Act of April 24, 1950, Section 5; 16 U.S.C. 572	
Reciprocal Fire Protection Act of May 27, 1955; 42 U.S.C. 1856a	
Sec. of Agriculture Fire Authorization Act of December 12, 1975; P.L.94-148; 16 U.S.C. 565a 1-3.	
Rural Development Act of 1972, P.L. 92- 419	
Robert T. Stafford Disaster Relief & Emergency Assist. Act, P.L. 93-288	
Cooperative Forestry Assistance Act of 1978, P.L. 95-313	
25 STAT. 679 USC	The Enabling Act of 1889 granted the state certain lands for the support of common schools and other trusts
P.L. 101-624 USC	Authorizes financial support to State Forest to protect, manage and utilize the non-federal forest resources of the United States



## GOALS AND OBJECTIVES

- Manage state forest lands to produce revenues for trust beneficiaries while considering environmental factors and protecting the future income-generating capacity of the land.
- Protect the state's natural resources from wildfire, insect pests and disease.
- Sustain or improve the natural resources of private forest land for the good of all Montanans.
- Promote and support conservation practices on all lands in Montana.
- Enforce the state's forest practices laws in a manner which is both fair and consistent to all parties, and which complies with the intent of the legislation.

### Fire Management

- Issue burning permits within direct protection units.
- Recommend and enforce forest activity restrictions and forest closures as required on direct protection units.
- Conduct railroad, power line and industrial forest operator/user inspections, per prevention plan.
- Review and provide comments to proposed subdivision plats to encourage fire safe developments, per DSL/FPI Guidelines.
- Update fire risk rating of interface areas within direct protection units.
- Prepare initial attack forces to enable them to control 95% of all direct protection fires to less than 10 acres.
- Screen, procure and distribute approximately \$1,000,000 of federal excess property from Hill AFB, Toole Army Depot, Fort Lewis, Fairchild AFB, Malmstrom AFB and Ellsworth AFB.
- Using federal excess property vehicles, develop 20 wildland fire vehicles for use in both direct and county protection efforts.
- Manage the state-wide "Keep Montana Green" fire prevention activities.
- Prepare updates to all county action plans and meet with each county to review program.
- Respond to about 371 wildfires annually on 5.0 million acres of direct protection & 45.1 million acres of State\County cooperative fire protection.
- Assess the potential of all fires for qualification as a disaster fire by the Federal Emergency Management Agency (FEMA).
- Coordinate and monitor over 3,000 slash burns covering over 135,000 acres annually.
- Review the risk assessment and technical fire feasibility and support needs of all prescribed fire use plans prepared by DSL.
- Review master agreements and annual operating plans with the Forest Service, BLM, BIA, local fire organizations, National Guard, the Montana prison system and the Disaster and Emergency Services Division.
- Manage the Rural Community Fire Protection grant program by publishing program announcements, processing applications, setting priorities and awarding contracts for about \$64,000 annually.
- Conduct 30 rural wildland firefighting courses for county fire personnel annually.
- Conduct detection, radio operator, fire prevention and squad leader training for seasonal personnel.
- Manage the fire assessment rolls by tracking over 74,000 entries on 5,195,529 acres, and collecting over \$1,500,000 from private landowners for fire protection services.
- Manage the statewide DSL radio communications network.
- Investigate the cause of all fires on direct protection and, for all person-caused fires, bill the person responsible for starting the fire for suppression costs.

### Forest Management

- Annually prepare, sell, administer, and measure 30 million board feet of timber.
- Prescribe watershed management practices, water quality impact mitigation measures, and soil management measures for approximately 25 timber sales to be sold.
- Act as clearinghouse for Watershed Cumulative Effects Cooperative.
- Conduct audits of the application of Best Management Practices on approximately 45 federal, state and private land activities.
- Provide economic analysis and review of approximately six timber sales.
- Annually administer, inspect and bill 1,050 State Forest Leases and Licenses.
- Complete negotiations and finalize three land exchanges.
- Identify land exchange opportunities and initiate exchange procedure schedule on one new land exchange.
- Identify R/W needs for timber sale plans and initiate acquisition procedures on approximately 15 R/W's (1-MT).

- Evaluate and issue approximately 30 requests for temporary access.
- Evaluate eight to ten permanent R/W and easement applications, appraise land and timber value, and prepare recommendations for Land Board approval.
- Evaluate cabinsite sale applications, prepare economic analysis and recommendations for Land Board approval and process application through to oral auction if approved.
- Evaluate and prepare cost share supplements upon request and approval.
- Receive, transfer and record income from 1,050 special uses and update land records as necessary.
- Complete, update or review 30 land appraisals.
- Review recreation access activities on forested lands.
- Continue stand level inventory project to include an additional 35,000 acres.
- Annually update stand level inventory maps and data base on approximately 230,000 acres, and provide updated maps and data by February 1.
- Complete hazard reduction on state forest management activities as required by state standards.
- Thin approximately 1000 acres of state-owned timber land to improve composition and growth.
- Collect or purchase approximately 350 bushels of seed needed for the reforestation of state lands.
- Plant approximately 500,000 seedlings per year following harvest on state forest lands.

#### Service Forestry

- Make agreements for fire hazard reduction of timber slash on all private land logging operations in Montana and certify compliance with slash standards.
- Enforce the state slash law in cases of non-compliance.
- Provide BMP/SMZ information in response to all forest practices notifications, and provide on-site consultations for highest priority operations.
- Implement corrective actions for all SMZ rule violations detected.
- Implement the Forest Stewardship and Stewardship Incentives programs in cooperation with other agencies and organizations, according to the Montana Stewardship Plan and steering committee decisions.
- Provide technical assistance to private forest landowners upon request.
- Provide forestry services to the RC&D Areas as outlined in annual work plans.
- Service all requests from communities for urban forestry planning and project assistance.
- Coordinate community forestry volunteer groups upon request.
- Award grants for community forestry projects.
- Perform surveys of forest insects and diseases on state and private land, and print and distribute the Montana Insect and Disease Conditions report.
- Produce 880,000 (+/- 10%) bareroot hardwood seedlings for conservation plantings.
- Produce 88,000 bareroot conifers for conservation plantings.
- Produce 500,000 seedlings for reforestation on state forest lands.
- Produce 80,000 containerized seedlings for conservation plantings on private lands in Montana.
- Identify, select and collect seed and cuttings from superior sources and carry out performance evaluations.

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### **Department of Livestock**

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#### **AUTHORIZATIONS:**

2-15-3101, MCA	Provisions
Title 81 MCA	Operations

#### **CENTRALIZED SERVICES AUTHORIZATIONS:**

The Centralized Services Division, operates under the statutes for accounting, budgeting, payroll, personnel administration, property management, and revenue collection functions by a state agency.

#### **GOALS AND OBJECTIVES:**

The responsibilities of the Centralized Services Division are accounting, budgeting, payroll, personnel, legal services, purchasing, data processing, general services, and administrative functions for the department. The overall goals of this division are to provide fiscal and budgeting support; guidance and direction; policy

development and implementation; and interpretation of rules, regulations, and statutes for the overall benefit of the department. In addition, administrative and support services are provided that allow all programs within the department to operate efficiently and effectively in delivering services to livestock and related industries in Montana. (1-MT)

The Board of Livestock establishes policy; approves budget requests; provides information to and at request of the Governor; prescribes rules; establishes the department's organizational structures; appoints certain positions within the department; and approves agreements between the department and other state, federal or local agencies. All the functions are done with the objective to promote, foster and protect the Montana livestock industry. (1-MT)

The executive secretary is appointed by the board to ensure that the department functions in a manner consistent with the directives, policies, and rules as established by the board and laws of Montana. The executive secretary monitors the daily functions of the department, cooperates with the Governor, other state and federal agencies, and the legislature in providing technical assistance as necessary. (1-MT)

The Livestock Crimestoppers Commission and the Beef Research and Marketing Committee are administratively attached. (1-MT)

Agency legal services are provided by the staff attorney. This staff member participates in all litigation directly impacting the department, advises staff regarding proper and/or legal procedures, drafts rule and rule changes, and legislation. (1-MT)

Provides accounting, budgeting, payroll, purchasing, data processing, personnel, and general supportive services to the department. (1-MT & U.S.)

#### **DIAGNOSTIC LABORATORY AUTHORIZATIONS:**

Title 81, Chapter 2, part 1(b) and (c), MCA

#### **GOALS AND OBJECTIVES:**

The goals of the Diagnostic Laboratory Division are:

- to provide accurate, timely test results which help to minimize economic losses to livestock producers;
- to provide timely and accurate test results to regulatory officials to assist in contagious livestock diseases control;
- to respond in a timely manner to test requirement changes for livestock and livestock products which enable Montana producers to participate in interstate and international commerce;
- to be knowledgeable of animal diseases and the technology to identify them;
- to share information on animal health problems with producers, animal owners, and veterinarians;
- to provide continuing education to veterinary professions and animal owners through local meetings, education programs, consultations, and diagnostic investigations;
- to provide laboratory data on animal rabies and other zoonotic diseases to help protect the public health; and
- to provide services in a fiscally responsible manner. (1-MT)
- to perform immunology, bacteriology, and virology tests required for interstate and international livestock shipments. (1-MT & US)
- to investigate and diagnose animal disease reports through pathology investigations; clinical pathology, bacteriology, virology, and serology testing. (1-MT)
- to perform regulatory required testing on game farm animals and migrating bison out of Yellowstone National Park. (1-MT & U.S.)
- to perform diagnostic investigations and testing that are public health related - rabies, dairy products, salmonellosis, tularemia. (1-MT & U.S.)
- to perform diagnostic services and medical research involving both game and non-game species. (1-MT)

#### **DISEASE CONTROL AUTHORIZATIONS:**

Title 81, Chapters 1, 2, 5, 7, 8, 9, and 20, MCA.



## GOALS AND OBJECTIVES:

The goals of the Disease Control Program, Animal Health Division, are to protect the Montana livestock industry from disease loss by providing for the diagnosis, prevention, control, and eradication of animal disease; and, in cooperation with the Department of Health and Environmental Sciences, protect human health against animal transmissible diseases. (1-MT & U.S.)

- Supervise the livestock and animal import permit system as provided for in Montana statutes, and document all export activities of livestock. (1-MT & U.S.)
- An after hours answering service is available to importers for issuance of import permits to comply with Montana codes and administrative rules. (1-MT)
- Veterinary positions conduct supervision over livestock markets, rendering plants, import activities, and disease investigations. All reports of any non-routine disease occurrences are investigated. Quarantine enforcement, disease investigations, herd tests, and animal examinations are done as needed. (1-MT)
- To control infectious diseases of game farm animals; comprehensive rules regulating containment, testing, identification, and transportation of game farm cervine have been implemented. The rules were developed in cooperation with the Department of Fish, Wildlife and Parks. (1-MT)
- Control brucellosis infected bison migrating into Park and Gallatin counties from Yellowstone National Park. State and federal agencies are working cooperatively to develop a bison management environmental impact statement. (1-MT & U.S.)
- Compile and summarize animal disease reports in order to assess disease prevalence and experiences, and determine trends and anticipate control needs for Montana producers. (1-MT)
- Reviewed and compile disease serology reports. These surveillance reports help identify trends and needs for control measures. (1-MT)
- Management of live animal hunting of predators. Thirty hunting permits for aerial hunting of fox and coyotes were issued in FY94. (2-MT)
- Maintain surveillance for incidence and prevalence of animal rabies and human rabies exposures. (3-MT)
- Follow up on all laboratory positive reports of animal rabies. (3-MT)
- Coordinate with the Department of Health and Environmental Sciences on pre and post exposure consultation to evaluate level of exposure. (3-MT)
- Maintain statistics and records of temporal and geographical occurrences of rabies and make epidemiological analysis of the data. (3-MT)
- Offer sylvatic rabies species suppression programs on an as needed basis at strategic locations. (3-MT)
- Manage imposition and release of county area rabies quarantines. (3-MT)
- Follow up bitten and biting animals by impoundment of animals, examination, inspection, and testing. (3-MT)

## MILK AND EGG AUTHORIZATIONS:

Title 81, Chapters 20, 21, and 22, MCA	Authority for the Milk and Egg Program
Title 20	Provides for poultry and egg inspection and licensing
Title 21	Provides for dairy products regulations and licensing
Title 22	Outlines the regulations, inspection and licensing requirements for manufactured dairy products.

## GOALS AND OBJECTIVES:

The goal of the Milk & Egg Program within the Meat, Milk & Egg Inspection Division, is to ensure that eggs, milk and milk products sold or manufactured in Montana are fit for human consumption. (1-MT & U.S.)

- Meet National Conference of Interstate Milk Shippers standards through inspection and sampling requirements performed by four field sanitarians. (1-MT & U.S.)
- Quarterly shell egg surveillance, inspect each licensed retail wholesale outlet twice a year, and license egg graders. (3-MT & U.S.)
- Inspect each shipment of frozen chickens and turkeys when they come into Helena. (3-MT & U.S.)
- Participation in the National Conference of Interstate Milk Shippers (NCIMS). The NCIMS meets every two years and is a blend of federal (PHS/FDA) regulatory, state regulatory, and industry representatives. All fifty (50) states participate. (1-MT & U.S.)

## **INSPECTION AND CONTROL AUTHORIZATIONS:**

Title 81, Chapters 1, 3, 4, 5, 6, 8, and 9,  
MCA

### **GOALS AND OBJECTIVES:**

Perform professional law enforcement and investigative work in the tracking of livestock ownership and in the deterrence and/or solution of related criminal activities. (1-MT)

- POST certified law enforcement officers with full arrest authority.
- Work cooperatively with local, state, and federal law enforcement agencies - FBI, BIA, U. S. Forest Service, P & S Administration, U.S. Attorney, Department of Justice criminal investigators, the Montana attorney general, county attorneys, sheriff departments, and other state livestock regulatory agencies and personnel.
- Inspect the brands of all livestock crossing county and state lines and/or changing ownership. This includes all livestock coming into and going out of the 15 Montana livestock markets. (1-MT)
- Collection of the Federal Farm Bill mandated \$1.00 per head beef check-off fee for the Montana Beef Council on all change of ownership cattle inspections. (1-MT)
- Record all livestock brands and transfers. (1-MT)
- Maintain the livestock lien program. (3-MT)
- License the 15 livestock auctions and the 750 livestock dealers; regulate livestock markets on all matters affecting the relationship between the livestock market and owners of livestock, and between the livestock market and the purchasers of livestock. Monitor the financial condition of the livestock markets; livestock dealers; and where the department is trustee the trust fund agreements, certificates of deposit, and letters of credit. (2-MT & U.S)
- Respond to all inquiries and complaints from the public, private producers, and governmental officials on all aspects of the Brand Enforcement Division. (1-MT)
- Coordinate and cooperate with the stockgrowers; woolgrowers; Farm Bureau; Livestock Market's Associations; local and state law enforcement groups such as the Montana Sheriffs and Peace Officers Association, Law Enforcement Coordinating Committee, Montana Law Enforcement Academy; and other groups including the state-wide Emergency and Disaster Control, Montana County Attorneys Association, International Livestock Identification and Theft Investigators Association, and Western States Livestock Investigators Association. (1-MT)

## **PREDATORY ANIMAL CONTROL AUTHORIZATIONS:**

Title 81, Chapter 7, MCA

### **GOALS AND OBJECTIVES:**

The goal of the Predator Control Program, which is supervised by the Inspection and Control Division, is to provide livestock producers with protection from certain types of predators that kill or injure domestic livestock, and to alleviate problems caused by species that may endanger human health or safety. (1-MT)

- Cooperative agreements with Powder River, Carter, and McCone counties and the U.S.D.A./A.P.H.I.S, Animal Damage Control. (1-MT)
- Contract license aerial hunting pilots. (1-MT)

## **MEAT INSPECTION AUTHORIZATIONS:**

Title 81, Chapter 9, part 2, MCA.

9 CFR

### **GOALS AND OBJECTIVES:**

The Meat and Poultry Inspection Program, within the Meat, Milk, and Egg Inspection Division, has as its primary function and goal to ensure clean, wholesome, properly labeled meat and poultry products for the consumer. (1-MT)

- Regularly scheduled slaughter inspections at establishments approved for state inspections. (1-MT & U.S.)
- Irregular processing inspections of establishments approved for state inspection. (1-MT & U.S.)
- Unannounced quarterly inspections of custom exempt establishments. These establishments may slaughter and process products for use by the owner, members of his household, and non-paying guests. These products cannot be resold and must be plainly marked "Not for Sale". (1-MT & U.S.)
- Monitoring sanitary conditions and procedures on a regular and on-going basis. Strict sanitation standards of all establishments, facilities, equipment, procedures, and personnel are required; especially during the wild game processing season. (1-MT & U.S.)
- Findings of inspectors, in accordance with the Inspection System Work Plan, are documented in regularly submitted reports. The plan provides guidance, direction, and information necessary to accomplish the objectives of the inspection program. (1-MT)
- Regularly scheduled systematic reviews are conducted by supervisory personnel to evaluate the manner in which in-plant inspection program personnel carry out assigned job responsibilities. (1-MT)
- Regularly scheduled systematic reviews by inspectors and supervisory personnel, are conducted to evaluate compliance with state law, regulations, and requirements. (1-MT)
- Contact retail outlets, hotels, restaurants, and institutions to assure only properly labeled and inspected meat/poultry products are prepared and offered for use or resale. (1-MT)
- Prior approval by the department of all proposed labels with formulation and product ingredients. (1-MT)
- Annual establishment licensing. Any person, firm, or corporation that engages in the business of slaughtering and/or processing of livestock and/or poultry, storing and/or wholesaling the meat products must be licensed by the department. (1-MT)

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## Department of Natural Resources & Conservation

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### CENTRALIZED SERVICES AUTHORIZATION:

2-15-3301, MCA	Creates Department of Natural Resources and Conservation.
2-15-3302, MCA	Creates Board of Natural Resources and Conservation.
2-15-112, MCA	Duties of Department Heads.
2-15-114, MCA	Security responsibilities of departments for data and information technology resources.
2-15-121, MCA	Allocation for administrative purposes.
2-15-124, MCA	Quasi-judicial boards.
Article II, Section 7-9, Montana Constitution.	Freedom of speech, expression, and press; Right of Participation; Right to Know.
29 U.S.C. Sec. 201, et. seq.	Fair Labor Standards Act of 1935
42 U.S.C. Sec. 12101, et. seq.	Americans with Disabilities Act of 1990
42 U.S.C. Sec. 2000e, et. seq.	Civil Rights Act of 1964. et. al.

### GOALS AND OBJECTIVES:

- Provide overall management and policy direction to the Department of Natural Resources, the Board of Natural Resources, and the Governor's Office on natural resource issues. (1-MT).



- Provide analysis, information and recommendations to the Governor, legislature, and other state decision makers to influence state, regional, and national natural resource policy. (1-MT)
- Provide administrative and technical support to the Board of Natural Resources and Conservation. (1-MT).
  - Provide support for five board meetings per year.
- Provide legal services to the department, board, and Governor's Office. (1-MT).
- Provide personnel, equal employment opportunity, and affirmative action support services to the department. (2 - MT, US).
  - Complete 50 hirings, review and update 120 position descriptions, and complete one affirmative action plan during the 1994-95 biennium.
- Provide timely and accurate financial information to program managers, department management, Governor's Office, and the legislature through coordination of financial services. (1-MT)
  - Provide fiscal management of approximately 60 state grants, 27 federal grants, 200 contracts, and 190 loans by preparing approximately 160 financial statements/reports per year and performing 9-10 internal audits per year.
  - Provide accounting services for 19 bond accounts totaling \$69 million.
  - Provide general accounting services by processing approximately 7000 accounting documents per year and preparing 26 payrolls per year which includes processing approximately 1000 Personnel/Payroll/Position Control change forms.
- Provide the department with the necessary data processing expertise and equipment to meet current and future needs through management and coordination of the department's information system. (1-MT)
  - Provide assistance in developing approximately 80 new applications and enhancements per year.
  - Process approximately 1200 requests for data processing production, 550 requests for data entry, 50 scanning requests, and 40 digitizing requests per year.
  - Provide training and assistance to department employees using the computer system.
- Provide department personnel and other state agencies, the skill and expertise necessary to produce and disseminate quality publications, reports, displays, maps, and other information-related services through coordination of writing, editing, graphic design and computer-assisted efforts; and to disseminate public information and provide opportunities for public involvement. (2-MT)
  - To produce approximately 170 publications/projects per year including EISs/EAs, legislative reports, pamphlets/brochures, public information and education works, technical reports, and other public and internal documents.
  - Prepare approximately 25 graphic displays per year including display panels, posters, and signs.
  - Prepare 75 news releases, answer 1150 information requests and make 12 media contacts concerning DNRC or BNRC news stories per year.
  - Prepare approximately 150 maps and 10 floor plans per year.
  - Maintain the department's archive collection by cataloging approximately 75 publications per year.
  - Coordinate approximately 120 intergovernmental reviews for the department per year.
- Ensure timely and efficient administrative support services are provided to department personnel through managerial coordination and direction. (2-MT)
  - Provide coordination of a wide array of support services including budget analysis, budget preparation and coordination, preparation of approximately 30-40 fiscal notes each biennium, financial compliance review of approximately 250 contracts and 100 contract amendments annually, and purchasing review.

#### OIL AND GAS REGULATION AUTHORIZATION

82-11-111, MCA	Establishes the powers and duties of the Board of Oil and Gas Conservation relative to conservation and prevention of waste through regulation of oil and gas exploration and production.
82-11-111(5), MCA	Establishes jurisdiction of Class II injection wells by the Board of Oil and Gas Conservation.
82-11-161, MCA	Establishes the Oil and Gas Production Damage Mitigation Account.
17-7-502, MCA	Establishes a statutory appropriation for expenditures from the Oil and Gas Production Damage Mitigation Account.

82-11-135, MCA

Provides that all money collected under Title 82, Chapter 11 be deposited in the state special revenue fund for the sole purpose of funding the operations of the Board of Oil and Gas Conservation.

82-1-101, MCA

Establishes the Board's authority regarding regulation of seismic exploration.

#### GOALS AND OBJECTIVES:

- Issue drilling permits in a timely manner, identify those non-conforming permit requests which require Board of Natural Resources approval, and prepare MEPA compliance documentation for permits on non-federally supervised lands. (1-MT)
  - Issue approximately 350-400 drilling permits per year; conduct MEPA compliance review and prepare documentation for each requested permit.
- Regulate development of oil and gas fields to insure compliance with board rules and accepted industry practice and maximize the efficient recovery of Montana oil and gas resources. (1-MT)
  - Conduct public hearings (approximately 8 hearings and 90 applications per year) to promote conservation, prevention of waste and protection of correlative rights for oil and gas operations; to review and approve or reject approximately 600 notices per year pertaining to well workovers, re-completions, abandonments, etc.; to maintain records on approximately 600 operator bonds and approve approximately 100 new bonds per year; to propose and adopt rules pursuant to the Administrative Procedures Act (approximately 2 notices with 10-20 rules each per year).
- Collect, catalog and maintain oil and gas well information and production data, associated geological data and well logs and statistical information and summary data for use by the public and the industry. (2-MT)
  - Maintain database and well files on approximately 30,000 oil and gas wells; process new well data on approximately 350 wells per year; process production reports (6,000/mo, 72,000/year), publish Annual Review and 4 quarterly statistical bulletins and distribute to 800 subscribers; calculate and maintain approximately 400 decline curves per year, maintain core chip catalog on 12,000 wells and add approximately 150 wells each year, maintain regional and field maps by adding new wells and status changes (approximately 900 entries).
- Operate a field inspection program to insure compliance with the board's rules and to resolve complaints and gather accurate field information for use by the board and staff in making decisions. (2-MT)
  - Conduct inspections on approximately 250 drilling wells, 2,100 producing wells, 300 plugged and abandoned wells and 10 seismic exploration crews; to respond to complaints and provide emergency response for spills, leaks and other environmental problems; to provide recommendations for enforcement actions and reports and data in support of the regulatory program.
- Establish and administer the EPA delegated Underground Injection Control Program for the protection of ground water through regulation of waste disposal and enhanced recovery injection wells. (3-MT)
  - Upon federal delegation, to maintain program on approximately 1400 existing injection wells and issue approximately 30 new injection well permits per year; to conduct approximately 1000 well inspections and witness 280 pressure tests per year; to maintain record keeping and enforcement records per M.O.U. with the U.S. Environmental Protection Agency.
- Administer the Oil and Gas Production Damage Mitigation Account and available RDGP grants to assure timely plugging and restoration of oil and gas wells where no responsible party exists. (3-MT)
  - To plug and restore approximately 10 sites or wells per year.

#### CONSERVATION AND RESOURCE DEVELOPMENT DIVISION AUTHORIZATIONS:

76-15-101, et. seq., MCA

Conservation Districts

76-14-101, et. seq., MCA

Montana Rangeland Resources Act

76-16-101, et. seq., MCA

Grass Conservation Act

75-7-101, et. seq., MCA

The Natural Streambed & Land Preservation Act of 1975

90-2-140, MCA

Energy Conservation in Agriculture Resource Development Bureau

85-1-601, et. seq., MCA	Water Development Program (Renewable Resource Program)
17-5-701, et. seq., MCA	Coal Severance Tax Bonds - Water Development
90-2-101, et. seq., MCA	Renewable Resource Development Loans, Grants and Bonds
90-2-1101, et. seq., MCA	Reclamation and Development Grants Program
85-2-316, et. seq., MCA	Reservation of Waters
17-5-701, et. seq., MCA	Treasure State Endowment Program
75-5-1101, et. seq., MCA Public Law 82-500 Federal Clean Water Act as amended 33 USC, 1251-1387	Wastewater Treatment Revolving Fund

## GOALS AND OBJECTIVES:

### Conservation Districts Bureau

- Provide operating assistance to the state's 59 Conservation districts (1-MT).
  - Provide administrative, legal and technical assistance to 59 conservation districts. Attend a minimum of 6 to 8 conservation district meetings per month. Provide 10 to 20 opinions per year to the districts.
  - Coordinate conservation district activities with state and federal agencies. DHES, DFWP, EPA, BLM, SCS, Forest Service, Corp of Engineers meet with these organizations on a quarterly basis.
- Operate the Administrative Grants Program for Conservation Districts (1-MT).
  - Process grant applications and administer grants to conservation districts based on need. Approximately 40 applications are received annually totalling around \$200,000.
- Operate the 223 Program for Conservation Districts (1-MT).
  - Provide grants to conservation districts for projects satisfying natural resource management mandates. Process an average of five to seven grants totaling \$20,000 per quarter.
- Provide assistance and guidance to conservation districts administering the National Streambed and Land Preservation Program through operating the 310 Permit Program (1-MT).
  - Assist conservation districts with problem permit applications and violations of the Streambed & Lands Preservation Act (approximately 50 problem applications per fiscal year).
  - Provide legal interpretation of the Act and rules to clarify administration of the Permit Program to the conservation districts.
- Operate the Nonpoint Source Water Pollution Control Program (1-MT).
  - The conservation districts have been designated the local nonpoint source agency for all non-federal lands and will assist the districts in establishing water shed plans.
- Assist with pollution control education and watershed demonstration projects. Approximately three demonstration projects will begin which will demonstrate how to clean up nonpoint source problems. Six water quality workshops will be held.
- Provide Riparian Management Education and Information to Landowners (2-MT).
  - Development of education displays on riparian grazing management success. Produce several pieces of educational material for Riparian Management each year.
  - Identification of riparian areas in the state. Provide between five and seven riparian management workshops per year to landowners.
- Coordinate Rangeland Resource Program (1-MT).
  - Coordinate and promote sound range management practices with private land owners, state agencies, and federal agencies.
  - Finance range improvement practices. Make an average of 10 loans per year at approximately \$23,000 each.
  - Address state range management issues and to work with the Governor's Rangeland Executive Committee. Hold three committee meetings per year.



- Coordinate Resource Management (2-MT).
  - Coordinate private and public natural resource management. Work with the conservation districts on the State Task Group. Assist in establishing a Coordinated Resource Management area to address stream dewatering.
- Assist in administering the Private Forest Stewardship Assistance Program (3-MT).
  - Work with private landowners to use management practices to reduce fire, weed, insect, and disease infestations and improve grazing, wildlife, fisheries and timber production to meet the landowner's needs. Attend meeting quarterly with participating organizations.
- Participate in the Forest Practices and Water Quality Program (3-MT).
  - Participate in the Cumulative Watershed Effects Cooperative (CWECC). This group works to limit cumulative watershed effects.
- Participate in Rural Economic Development. (1-MT).
  - Assist the various RC&D's in organizing to address rural development on a regional basis. Fifty-one of the 59 conservation districts are involved with RC&D's.
- Natural Resources Conservation Education Activities (2-MT).
  - Assist CD's in sponsoring the Youth Range Camp, the Natural Resources Youth Camp and Range Days. Assist organization of activities.
  - Administer the education mini-grant program to provide funds to conservation districts for conservation education activities through local schools. Between 20 and 24 grants are funded in the amount of \$12,500 per year for this program for lab equipment, other classroom equipment and materials.
- Provide Conservation District Training (1-MT).
  - Provide training for the supervisors and employees in the 59 conservation districts on carrying out their duties and responsibilities. Each year training is conducted at the area meetings of the state's conservation districts. Set up a minimum of 12 training sessions.
- Assist in Watershed Planning (1-MT).
  - Assist and support the planning activities of the Soil Conservation Service to identify and develop water resource conservation projects. The state provides \$63,500 per year for project planning. The Soil Conservation Service provides \$1,350,000 to finish planning and construct those projects.
- Administer the Agricultural Energy Conservation Program (3-MT).
  - Administer the grant program to promote energy efficiency such as alternative crop tillage practices and soil moisture monitoring in accordance with federal guidelines.
- Assist in Sustainable and Small Scale Agriculture Activities (1-MT).
  - Incorporate the principles of sustainable agriculture into conservation district activities. Coordinate activities of the conservation districts and the various farm improvement programs.
  - Support and direct the farm improvement club program aimed at developing sustainable farming approaches.
- Control Saline Seep through the Montana Salinity Control Association (1-MT).
  - Improve water quality and control saline seep in 33 counties through proven planning and crop management techniques. To date, this program has developed reclamation plans for 350 cooperatives.
  - Assist in activities like water treatment, weed control, and irrigation to reclaim effected land.
- Grazing District Supervision and Assistance (2-MT).
  - Assist the 29 grazing districts by providing for the conservation, protection, restoration and proper utilization of grass, forage, and range resources.
  - Supervise and coordinate the formation, operation and dissolution of grazing districts.

#### Resource Development Bureau

- Renewable Resource Grant and Loan Administration (1-MT).
  - Administration of this program will continue to be a top priority of the bureau. A brief overview of the current bienniums activities is provided to indicate what would be expected next biennium. In fact, more grant funds will be available next biennium and more loans will be outstanding.
  - Provide grants and loans for renewable resource related projects for public and private applicants. In the 94-95 biennium, the Legislature authorized 31 new grants for a total of \$1,872,379. There is still a possibility to fund all of the authorized grants; however, at the end of FY 94 only the top 27 are assured of full funding. These grants are to be matched by over \$ 10 million from various federal, state and local sources. An additional \$125,000 is also available for emergency grants for water projects. To date the department has approved 2 emergency grants for \$15,937 and is currently reviewing 3 additional requests.
  - The Legislature also authorized a total loan authority of \$31,261,639 including new project loans of

\$19,980,838. It is expected that approximately \$10 million in loans will be closed for local governments this biennium. In addition, the DNRC will close a \$11.5 million, zero interest, 39 year loan. The department also has authority to lend money for private water development projects. To date 6 new loans for approximately \$400,000 have been closed this biennium. This means that there is now a total of 102 loans totaling over \$7 million have been made. For the remainder of the biennium, it is expected that an additional \$500,000 in private loans are expected to be made.

- Reclamation and Development Grants Program Administration (1-MT).
  - Administration of this program will continue to be a top priority of the bureau. A brief discussion of the current bienniums activities is provided to indicate what would be expected next biennium. In fact, more grant funds will be available next biennium.
  - Provide grant assistance to projects that indemnify Montana citizens for the effects of past mineral development on public resources and that meet other crucial state needs serving the public interest. For the 94-95 biennium, the legislature authorized 18 projects for \$3,143,706. HB 608 secured \$2.2 million in RIT interest funding for these projects. This means that the top 12 projects will receive grant funds. These funds will be matched by more than \$2.8 million from various federal, state and local governments.
- State Wastewater Treatment Revolving Fund Program Administration (1 - MT-US).
  - Provide for the issuance of low interest loans to finance wastewater treatment facilities to governmental entities. During the 94-95 biennium, 10 projects will be funded with loans at a 4% interest rate. The projects will bring in approximately \$15 million in federal funds. All the state match is provided by the sale of State General Obligation Bonds. These State Bonds are repaid by the local government borrowers. Next biennium the bureau will close even more loans, plus will continue to administer current loans outstanding.
- Water Reservations Administration (3-MT).
  - Assist conservation districts in administering water reservations. Fourteen districts in the Yellowstone Basin have water reservations. The Board of Natural Resource and Conservation (BNRC) has approved an additional 15 reservations for conservation districts in the upper Missouri Basin. Also, the BNRC is in the beginning of a contested case hearing process where an additional 11 conservation districts from the lower Missouri Basin have applied for water reservations. To date in the Yellowstone Basin, 119 conservation district projects have been approved for final development to use 548,186 acre-feet of water per year. No projects have been developed in the upper Missouri Basin.
- State Drinking Water Revolving Fund Program Administration (1-MT).
  - Provide for the issuance of low interest loans to finance drinking water facilities to local governmental entities. We assume there may be 5 to 10 projects funded in the 96-97 biennium. Loans are projected to have a 4% interest rate. The projects will use 10 to 15 million dollars in federal funds. All state match will be provided by sale of State General Obligation Bonds. These State Bonds are paid by the local government's borrowers.
- Treasure State Endowment Program Administration (2-MT).
  - Expands the current coal severance tax bond program to include any authorized Treasure State Endowment Projects. The application process has started in the FY97 biennium. At this time, we do not know the number of loans which will be made or the dollar amount of the projects.

#### WATER RESOURCES AND PLANNING AUTHORIZATION:

85-1-206 through 85-1-208, MCA	Project Construction
85-1-209 through 85-1-211, MCA	Project Property Management
85-1-501 through 85-1-514, MCA	Project Power Generation
85-1-301 through 85-1-332, MCA	Project Finance
85-2-141, MCA	Water Leasing (Marketing)
85-1-203, MCA	State Water Plan
85-2-338, MCA	Upper Clark Fork Planning
2-15-3308, MCA	Staff Drought Advisory Committee

85-2-316, MCA	Water Reservations
85-2-331, MCA	Missouri Basin Water Reservations
85-1-704, MCA	Prepare Governor's Water Storage Report
85-5-111, MCA	Water Commissioner and Mediator Education
85-1-223, 85-1-214, MCA	Negotiate Compacts with Other States
85-2-901, MCA et. seq.	Groundwater Assessment
85-9-201, MCA et. seq.	Create Conservancy Districts
85-20-101, MCA et. seq.	Administer Yellowstone Compact
85-2-801, MCA et. seq.	Diversions Under Yellowstone Compact
85-2-301, MCA et. seq.	New Appropriations
85-2-327, MCA et. seq.	Beaverhead-Red Rock River Basins Closure
85-2-329, MCA et. seq.	Teton Closure
85-2-335, MCA et. seq.	Upper Clark Fork River Basin Closure
85-2-340, MCA et. seq.	Jefferson-Madison River Basins Closure
85-2-342, MCA et. seq.	Upper Missouri River Basins Closure
85-2-501, MCA et. seq.	Groundwater Use
85-2-401, MCA et. seq.	Water Right Changes and Transfers
85-20-201, MCA	Fort Peck/Montana Compact
85-20-301, MCA	Northern Cheyenne Compact
85-2-243, MCA	Adjudication Assistance to Water Court
85-2-319, 85-2-321, 85-2-328, 85-2-336, 85-2-436, MCA	Basin Closures, Milk River Basin Priority and Water Leasing
Constitution, Article IX, Section 3(4),	Water Right Administration and Records
Constitution, Article IX, Section 3(1),	Adjudication
85-2-150, MCA	Water Measurement
85-15-101, MCA et. seq.	Dam Safety
37-43-101, MCA et. seq.	Board of Water Well Contractors
76-5-101, MCA et. seq.	Floodplain Management
85-2-217, MCA	Suspension of the adjudication of federal reserved water rights while compact negotiations are in process.



85-2-231, MCA et. seq.

Inclusion of compacts in the decrees of the Montana Water Court.

85-2-218, MCA

Process for establishing priority basins.

85-20-401,402, MCA

The U.S. National Park Service-Montana Compact.

## GOALS AND OBJECTIVES:

### Water Projects Program

- Ensure that water rights of existing state water projects are properly protected and secured for the life of the project. (2-MT)
  - Object to water right applications that may encroach on state water project water rights and respond to objections filed that affect state water projects.
- Ensure that state water projects are properly managed and that the state receives a justified return for the use of its resources. (2-MT)
  - Evaluate and inspect all DNRC-operated water projects and meet with the respective water users annually.
- Dispose of projects no longer requiring state involvement in their operation and maintenance. (1-MT)
  - Develop and negotiate transfer plans for fifteen water projects.
- Minimize the state's liability by inspecting, repairing, maintaining, rehabilitating, and operating state-owned water projects in a safe manner. (1-MT)
  - Perform annual inspections on DNRC and DFWP water projects, make necessary repairs, and perform or schedule rehabilitation work as required.
  - Proceed with rehabilitation efforts on the Tongue River Dam.
- Operate the Broadwater Power Project in a manner that balances the maximizing of power revenues with ensuring facility safety and environmental protection. (1-MT)
  - Correct plant defects and perform maintenance according to established schedules.
  - Continue Broadwater hydropower mitigation requirements as defined by the Federal Energy Regulatory Commission.
- Assist parties seeking to lease hydropower development rights on state water projects. (3-MT)
  - Explain procedures, contract requirements and costs to inquiring parties.

### Water Management Program

- Continue the development of the statewide water plan that resolves water resource conflicts and problems throughout Montana in an efficient and effective manner. (2-MT)
  - Implement existing water plan recommendations.
  - Continue developing basin plans for the Milk, Musselshell, Clark Fork and Teton River basins that solve specifically identified problems.
  - Evaluate the state water plan process to ensure that it meets the needs of Montanans.
- Conduct special studies to resolve problems with water resource issues such as drought, interstate water allocation, stream bank stabilization or instream flow protection. (2-MT)
  - Complete the Beaverhead groundwater assessment.
  - Develop an accurate irrigated-acreage map of Montana.
  - Develop solutions to bank stabilization problems on the lower Missouri and upper Flathead rivers.
  - Conduct studies of arsenic in Montana's rivers and lakes.
  - Develop hydrologic and water quality models for the Clark-Fork Flathead and Missouri River basins.
- Assist the Reserved Water Rights Compact Commission (RWRCC) by providing technical expertise regarding water right quantification for negotiations on reserved water rights. (2-MT)
  - Assist the RWRCC in quantifying the reserved water rights of the tribes on the Blackfeet, Rocky Boy and Fort Belknap reservations and use this information to resolve water supply problems in the Milk River basin.
- Mitigate the impact of droughts to Montana. (2-MT)
  - Prepare monthly drought status reports or as needed.
  - Assist the Governor's Drought Advisory Committee in carrying out its duties.
  - Prepare the state drought plan.
- Identify, rank, and report on needed water storage projects. (3-MT)
  - Prepare a biennial report for the Governor and Legislature on water storage project development.

- Secure agreements with the federal government regarding the lease of water from federal reservoirs. (3-MT)
  - Negotiate water marketing contracts with the United States Bureau of Reclamation and the Army Corps of Engineers for water from federal reservoirs.
- Prepare reports on the formation of Conservancy Districts. (3-MT)
  - Prepare reports on conservancy districts being formed in a timely manner.
- Promote sound groundwater management in Montana. (2-MT)
  - Provide technical assistance to water right staff on problem water right applications and monitor ground water aquifers that have been identified as areas of special concern.
- Participate on the Groundwater Assessment Advisory Council. (3-MT)
  - Provide input at Council meetings and assist with implementing policies and proposals.
- Provide training and education for water commissioners and water mediators. (3 -MT)
  - Conduct annual water commissioner and water mediator training sessions.
- Provide water resources education. (2-MT)
  - Assist the Montana WET and Montana Watercourse programs to disseminate educational information regarding Montana's water resources.
- Protect Montana's water resources in interstate and international water allocation and management decisions. (1 -MT)
  - Provide regular input to the Master Manual review process for the operation and management of the Missouri River Basin to protect Montana's interests.
  - Provide information to the System Operation Review for the operation and management of the Colombia River drainage to protect Montana's interests.
  - Assist in protecting Montana's interests in the North Fork Flathead River Drainage.
  - Develop data and provide assistance to protect Montana's interest on the four interstate tributaries of the Yellowstone River.
  - Develop a management plan for the proposed Battle Creek Reservoir in Saskatchewan that meets Montana's needs.
  - Finalize the IJC-recommended apportionment on the Poplar River.
  - Monitor the development of the proposed Alberta reservoir on the Milk River and make sure that Montana's interests are protected.
  - Coordinate with Saskatchewan Water Corporation the release of water from Cooksen Reservoir.

#### Water Rights Program

- Respond to and resolve complaints regarding alleged water use violations and reduce the number and seriousness of complaints. (1-MT)
  - Complaints will be responded to within 24 hours and resolved within 3 days.
  - Reduce the number of complaints annually by 15 percent.
- Provide adjudication support work for Water Court in priority basins. (2-MT)
  - Examine 5,000 adjudication claims per year.
  - Conduct field investigations scheduled by the Water Court.
- Provide timely and consistent decision-making on water permit and change applications. (1-MT)
  - Process applications without objections within 90 days of filing.
  - Provide decisions to grant, modify or proceed to a contested-case hearing on pending applications within 60 days of objections being filed.
- Respond to and process petitions to cease applications for certain water uses in highly appropriated basins. (1-MT)
  - Respond to petitions within 30 days and process them within 90 days of completion of the water availability analysis.
- Respond to and process water leasing applications for public instream flow purposes in highly dewatered streams. (1-MT)
  - Process applications without objections within 90 days of receipt.
- Administer development of water reservations (for purposes other than conservation districts) in a timely manner. (3-MT)
  - Present a recommendation to the Board of Natural Resources and Conservation within 90 days of receipt of a detailed development plan.
- Administer implementation of Fort Peck-Montana Compact and Northern Cheyenne-Montana Compact. (1-MT)
  - Prepare reports as specified in the compacts.
- Administer Montana's weather modification permitting, licensing, and monitoring program. (3-MT)
  - Present proposals to the Board of Natural Resources and Conservation within 90 days of receipt of

the applications.

- For out-of-state applications requiring an EIS, present proposals to the Board within 12 months of receipt of the applications.
- Administer the National Park Service Montana Compact. (2-MT)
  - Process permit applications for groundwater in accordance with compact criteria and state water laws.
  - Conduct administrative hearings as needed to resolve objections to groundwater permit applications.

#### Water Operations Program

- Minimize losses from flooding in Montana through the restriction of floodplain development. (2-MT)
  - Provide direction and assistance to 119 communities.
  - Assist the Board of Natural Resources and Conservation in designating floodplains.
- Ensure the competency of monitoring and water well drillers and contractors and to prevent the waste and contamination of groundwater resources within the state. (3-MT)
  - Investigate all complaints against drillers.
  - Administer the water well driller testing program.
- Identify those dams that pose a threat to lives downstream. (1-MT)
  - Perform hazard classifications on an anticipated 25 dams per year that are 50 acre-feet or larger and are proposed for new construction or rehabilitation.
- Ensure the safe operation and maintenance of high hazard dams. (1-MT)
  - Visit 20 or more high-hazard dams annually and review their performance and maintenance with the owner.
  - Encourage 5 high-hazard dam owners in violation of permitting requirements to submit operation plans.
- Monitor the construction, rehabilitation, and operation of high-hazard dams to ensure dam safety compliance. (1-MT)
  - Within 60 days of receipt, review plans and specifications to build or rehabilitate high-hazard dams and issue or deny construction permits.
  - Test emergency action plans for ten high-hazard dams per year.
- Ensure the installation of water measuring devices on chronically dewatered streams. (2-MT)
  - By July of each year conduct public meetings on up to 10 streams that are candidates for chronically dewatered designation.
  - Prepare recommendations by February of each year on up to 5 streams that have been designated as chronically dewatered.

#### **MONTANA RESERVED WATER RIGHTS COMPACT COMMISSION AUTHORIZATION**

2-15-212, MCA	Creation of the Montana Reserved Water Rights Compact Commission.
85-2-701, MCA et. seq.	Authority granted to the Commission to negotiate with tribes and federal agencies.
85-2-217, MCA	Suspension of the adjudication of federal reserved water rights while compact negotiations are in process.
85-2-218, MCA	Process for establishing priority basins.
85-2-231, MCA et. seq.	Inclusion of compacts in the decrees of the Montana Water Court.
85-2-321, MCA	Milk River Basin priority.
85-20-201, MCA	The Fort Peck-Montana Compact.
85-20-301, MCA	The Northern Cheyenne-Montana Compact.
85-20-401,402, MCA (formerly codified at 85-2-706,707, MCA)	The U.S. National Park Service - Montana Compact.



## GOALS AND OBJECTIVES:

- Provide legal, historical and technical information and analysis to the Montana Reserved Water Rights Compact Commission necessary for effective negotiations to quantify federal reserved water rights in Montana. (1-MT)
  - Analyze technical accuracy of reserved water rights claims (hydrology, soils, engineering).
  - Complete technical reports on Crow and Bureau of Land Management water resources by 1997.
  - Prepare final report and settlement documents for Rocky Boy's by 1997.
  - Provide legal and historical analysis of tribal and federal claims.
  - Maintain an up-to-date computerized data base of natural resource information.
- Participate in the development, negotiation and implementation of reserved water rights compacts with the Indian tribes and federal agencies in Montana. (1-MT)
  - Predict potential impacts of various development scenarios on state water users and resources.
  - Recommend negotiating strategies to Commission.
  - Draft compacts, stipulations for Water Court decrees and federal legislation to implement settlements.
  - Organize public meetings.
  - Monitor implementation of negotiated compacts.
- Provide the same technical support services to the Montana Attorney General's Office for litigated reserved water rights cases if negotiations are terminated. (3)
  - Continue technical review of Blackfeet water resources.
  - Assist in preparation of expert testimony for legal case.
- Provide administrative support to the Montana Reserved Water Rights Compact Commission to facilitate the development and negotiation of reserved water rights compacts with the Indian tribes and federal agencies in Montana. Transcripts, correspondence, budget planning, personnel administration, travel and meeting arrangements. (2-MT)

## ENERGY PLANNING AUTHORIZATION

2-4-201, MCA	Organizational and Procedural Rules
36.1.101, ARM	Organizational Rule
90-4-301 et seq., MCA	Energy Supply Emergency Powers Act
75-20-101 et seq., MCA	Major Facility Siting Act
75-1-101 et seq., MCA	Montana Environmental Policy Act
69-3-1201 et seq., MCA	Integrated Least-Cost Resource Planning and Acquisition Act
2-15-3301-3308, MCA	Department of Natural Resources and Conservation
90-4-101 et seq., MCA	Alternative Energy Grant and Loan Program
90-4-601 et seq., MCA	State Building Energy Conservation Program
90-4-1001 et seq., MCA	State Energy Policy--Goal and Development Process
42 U.S.C. §6371 et seq. P.L. No. 95-619	Institutional Conservation Program
24 U.S.C. §6321 et seq. P.L. No. 94-163	State Energy Conservation Program
41 U.S.C. §501 et seq. P.L. No. 95-501	Technical Assistance Program
41 U.S.C. §501 et seq.	Residential Construction Demonstration

**GOALS AND OBJECTIVES:**

- Provide state decision makers with adequate analysis, information, and recommended courses of action so they can influence the direction of state, regional, and national energy policies that significantly affect energy producers and energy consumers in Montana. (1-MT)
- Promote integrated resource planning, policies, and programs that provide energy services to consumers at minimum cost consistent with acceptable risk, reliability, environmental impact, and security. (1 - MT, US)
  - Participate in utility least-cost and Integrated Resource Planning (IRP) advisory task forces.
  - Provide or participate in forums for energy stakeholders that resolve energy policy issues, or develop government energy policies and programs that promote wise energy decisions in Montana.
  - Review and comment on utility IRPs filed in Montana.
  - Review and improve, through a collaborative forum, the state's regulatory structure to ensure that, for utility planning, energy facility siting, utility resource acquisition and rate treatment of those acquisitions, the regulatory structure promotes a consistent and logical approach to achieve IRP goals.
- Administer the Major Facility Siting Act (MFSA), which regulates the location, construction, and operation of large-scale energy facilities; coordinate and streamline joint state/federal review and decision-making on MFSA and the Montana Environmental Policy Act (MEPA) projects through existing Memoranda of Understanding. (1-MT)
  - Adopt or revise MFSA rules, provide pre-application consultation to prospective facility sponsors, and, within established statutory timeframes, evaluate and process applications for certificates of environmental compatibility and public need.
  - Form state/federal interagency teams and prepare joint environmental impact statements on MFSA projects proposed on federal lands or federal projects requiring substantive compliance with MFSA.
- Increase energy efficiency and reduce energy costs in public buildings, including state, local government, and school buildings. (1 - MT, US)
  - Complete up to \$5 million of energy efficiency improvements in state-owned facilities, and ensure that all of state government's costs related to energy-improvements, transaction, financing, administration, maintenance--are borne through general obligation bond issuance, with resulting energy cost savings exceeding bond debt service.
  - Facilitate at least \$2 million of energy efficiency improvements in schools by blending federal retrofit funds, local school funds, utility demandside management incentives, and Board of Investment loans.
  - Implement positive cash flow financing programs for hospitals and for local government buildings to be developed during FY 95.
- Maintain the state's capacity to anticipate and respond to an energy emergency. (2 - MT, US)
  - Regularly monitor electricity and petroleum supplies and demand in Montana.
  - Review and accordingly revise the state's electricity and petroleum energy emergency plans in response to new information or other events.
- Serve as principal environmental assessment team for the department, and when requested, assist other Montana state government agencies in complying with MEPA and other state statutes. (2-MT)
  - Prepare legally complete environmental analyses and impact statements for other divisions and agencies pursuant to MEPA and other state statutes such as the Strip and Underground Mine Reclamation Act, the Hardrock Reclamation Act, and the Water Use Act, within contractual and statutory timeframes.
- Provide the director of the DNRC, the board, program managers, other divisions, and other departments with economic, financial, and other technical analysis in support of regulatory recommendations or to identify the most economical courses of agency action. Encourage and assist other divisions and departments in the application and utilization of cost-benefit analysis as a part of this overall policy of promoting defensible environmental regulatory policies and decisions and economic efficiency. (2 - MT, US)
- Upgrade the energy efficiency of new houses in Montana and upgrade the efficiency of existing housing stock. (2 - US)
  - Increase from 38 percent to 44 percent the percentage of new electrically heated houses in Montana built to the Model Conservation Standards for energy efficiency, with an ultimate goal of 100

- Research, develop, demonstrate, and bring to the marketplace new technologies relating to energy efficiency, renewable energy, and renewable resources which utilize local resources, product streams, or waste streams, or that are particularly applicable to Montana's economy. (2 - MT, US)
  - Conduct proof-of-concept development of safflower oil as a diesel extender/oxygenate and an environmentally compatible lubricant.
  - Facilitate commercial demonstration of enzymatic conversion of cellulosic material, such as mixed waste paper or paper mill sludge, to fuel ethanol in an existing Montana industrial plant.
  - Increase use, supply, and distribution of off-the-shelf energy-efficient products, such as efficient motors, variable speed motor drives, and efficient lighting, particularly in Montana's public buildings.
  - Participate in the development of policies that allow these technologies and products to come to market in the state, e.g. the PSC renewable docket.
- Support utility programs to acquire cost-effective energy conservation and efficiency resources as a means to meet load growth. (2 - MT, US)
  - Develop and participate in partnerships for financing retrofits to public buildings.
  - Conduct training in energy analysis and design for private engineers and architects.
  - Develop and distribute informational material encouraging students and other consumers to value energy efficiency and renewable energy measures, techniques, practices, and concepts.

**DIRECTOR'S OFFICE AUTHORIZATION:**

The authority for the establishment of the Department of Revenue

The authority for the Director of the Department of Revenue

- Administer the statutes and attendant administrative rules of the Department in an efficient and equitable manner to insure the fair and equal treatment of all taxpayers, proper compliance, and timely payment of all taxes; (1-MT) and
- Provide the management and administrative services necessary to enable the rest of the Department to accomplish its objectives. (1-MT)

- Collect revenue as efficiently and quickly as possible through effective use of litigation techniques and alternative dispute resolution techniques; (1-MT)
- Provide quality legal advice to the Department in order to prevent problems; (1-MT)
- Complete all requests for legal opinions requested by the Director or Division Administrators within 45 days; (3-MT)
- File all court documents, including bankruptcies in a timely manner; (1-MT)
- Manage all bankruptcies involving state taxes; (1-MT)
- Provide legal assistance to the Liquor Division on alcohol control issues; (1-MT)
- Review all administrative rule proposals; (1-MT)
- Draft legislation for the Department; (2 -MT) and
- Educate and assist attorneys and the public on how to resolve tax disputes; (3 -MT)

- Provide personnel support, expertise and guidance to management to enable the Department to accomplish its objectives; (1-MT)
- Process 95% of reclassification requests within 30 days of receipt, and maintain full classification delegated authority; (2-MT)
- Process all recruitment requests within 2 days of receipt; (2-MT)
- Monitor compliance with the Department Affirmative Action Plan and complete the required annual



#### Affirmative Action Report; (2-MT)

- Promptly respond to and/or investigate discrimination, labor and other employee complaints and grievances; (2-MT)
- Update or create Department personnel policies; (3-MT)
- Provide information within 3 days of request from all division management, employees and applicants; (3-MT)
- Negotiate labor contracts and monitor compliance; (3-MT)
- Monitor compliance with the Americans With Disabilities Act; (3 - US) and
- Develop and conduct 2 necessary and relevant workshops for management and staff. (3-MT)

#### Office of Research and Information

- Provide assistance to the Director's Office in the formulation and analyses of alternative tax policy proposals; (1-MT)
- Provide assistance to the Office of Legal Affairs in the development and presentation of research, exhibits, and testimony in litigated cases; (1-MT)

Provides assistance to the Property Assessment Division in issues pertaining to the taxation of property (e.g., sales/assessment ratio studies, railroad and airline tax rate analyses, personal property taxation methodologies, etc.); (1-MT)

Provides assistance to the Income and Miscellaneous Tax Division (e.g., analyses of accounts receivable administration using statistical methods); (1-MT)

Provides assistance to the Operations Division (e.g., develops and monitors appropriate methodologies to estimate accounting accruals associated with revenue objects requiring an estimated accrual); (1-MT)

- Provides assistance to the Governor's Budget Office (e.g., formulation of revenue estimates, impacts of policy proposals, prepares suggested replies to correspondence from taxpayers, etc.); (2-MT)

Provides assistance to the Legislature in the development and analyses of specific tax proposals and major comprehensive tax reform proposals; (2-MT)

- Prepares fiscal notes detailing the impacts of each piece of tax-related legislation introduced during regular and special legislative sessions; (3-MT)
- Monitors tax issues, changes, legislation, etc. at the national level and in other states to stay up to date in the development of emerging tax issues and policy; (3-MT)
- Publishes the Department's *Biennial Report* (see statutory reference) prior to the regularly scheduled legislative sessions for dissemination to the Governor, the Legislature, and other interested public and private sector parties; (3-MT) and
- Publishes the Department's *Tax Expenditure Report* in conjunction with the publication of the *Biennial Report*. (3-MT)

#### OPERATIONS DIVISION AUTHORIZATIONS:

##### All Tax Laws

Assumes the basic support structure is in place so the personnel assigned to specific tax law functions have the support necessary to operate.

##### 16-1-411, MCA

Distribution of a portion of the Wine Tax to counties, cities and towns based on population.

##### 16-1-410, MCA

Distribution of a portion of the Beer Tax to incorporated cities and towns based on population.

##### 16-1-404, MCA

Distribution of a portion of the Liquor Tax to counties, cities and towns based on proportionate sales.

#### GOALS AND OBJECTIVES:

- Deposit all tax collections received by the agency within 24 hours of receipt, except at the end of each calendar quarter and from April 1st to May 15th when collections will be processed based on the availability of staff resources and physical space; (1-MT)
- Process all tax return documents received through the mailroom within 24 hours of receipt, except at the end of each calendar quarter and from April 1st to May 15th when collections will be processed based

- on the availability of staff resources and physical space; (1 -MT)
- Insure the proper accounting of all revenues collected and disbursements made by the agency; (1-MT)
- Process all payroll documents within biweekly deadlines; (1- MT)
- Complete system development projects within the appropriate project deadlines; (1-MT)
- Complete all system enhancement requests within the time frame established for each request; (1-MT)
- Operate all production systems according to the predefined schedule for each system; (1-MT)
- Install and maintain all Department computer hardware (AS400, and 600 + personal computers and workstations located throughout the state); (1-MT)
- Process all incoming mail within four hours of receipt except during periods of peak processing; (2-MT)
- Process all accounting documents received within 30 calendar days of receipt; (2-MT)
- Data enter and process all corporation and individual income tax extension requests such that the information is available when the returns are processed; (2-MT)
- Data enter and process all oil and gas net proceeds data such that certification notices can be provided to the counties within 60 days of the end of each calendar quarter; (2-MT)
- Data enter and process Local Government Severance Tax quarterly data such that distribution can be made to the counties in May and November of each year; (2-MT)
- Data enter and process all income tax returns by December 31 of each year; (3-MT)
- Provide financial information to division administrators, other state agencies, and the general public within specified time limitations; (3-MT) and
- Process all requisitions for supplies and equipment within one week from the date of receipt. (3-MT)

#### LIQUOR DIVISION AUTHORIZATIONS:

##### Title 16 - Alcohol

Chapter 1	Concerns administration and taxation and addresses scope and code and exemptions, Department of Revenue powers, duties and limitations and taxation of alcoholic beverages.
Chapter 2	Concerns state liquor stores and addresses operation of stores, price of liquor and sale of table wine.
Chapter 3	Concerns control of liquor, beer, and wine and addresses official seal and other controls, regulation of brewers, beer importers, and beer wholesalers. It also addresses retail sales restrictions and sale of table wine.
Chapter 4	Concerns license administration and addresses beer and wine licenses, all-beverage licenses, special licenses, licensing criteria and licensing fees.
Chapter 6	Concerns enforcement and addresses investigations, prosecutions and miscellaneous prohibitions and penalties.

#### GOALS AND OBJECTIVES:

- Return at least 10% of net sales as profit to the general fund and maintain expenses at not more than 15% of net sales; (1-MT)
- Improve return on investment by 50% over FY93 return by the end of FY97; (1-MT)
- Issue renewed licenses within 15 days of receipt of applications; (2-MT)
- Review the application process in coordination with the Gambling Control Division, Department of Justice to reduce the processing time and costs of processing; (3-MT) and
- Perform inventory, fiscal and performance audits of all state liquor stores. (3 -MT)

## INCOME AND MISCELLANEOUS TAX DIVISION AUTHORIZATIONS:

### Title 15 - Taxation

Chapter 1	Concerns tax administration and addresses the Department of Revenue, investigations and hearings, protest payments, actions to recover, and alternative remedies. Also addressed are the disposition of tax records, multistate tax compacts and collection of delinquent taxes including warrant for restraint.
Chapter 25	Concerns the dangerous drug tax.
Chapter 30	Concerns individual income tax and addresses rate and return of tax, withholding and estimated tax, and administration and collection.
Chapter 32	Concerns energy-related and ecological incentives and addresses investment in energy conservation or alternative energy, tax credit for purchasing Montana produced organic fertilizer, wind-generated electricity and recycling of material.
Chapter 33	Concerns small business investment incentives and in particular addresses small business investment companies and tax exemptions.
Chapter 50	Concerns public contractor's fees and tax and addresses tax on contractors and contractor's tax return.
Chapter 53	Concerns telephone company license tax.
Chapter 60	Concerns nursing facility utilization fee and addresses collection of the fee.
Chapter 65	Concerns the lodging facility use tax.
Title 30 - Labor	Concerns the administration of the new Old Fund Liability Tax.
Miscellaneous Taxes	Abandoned property (Uniform Unclaimed Property Act)- Authority for this tax is found in 70-9-105, MCA.  Cigarette tax- Authority for this tax is found under 16-1 part 1, MCA.  Cigarette wholesaler and retailer license- Authority for this tax is found under 16-11-120, MCA.  Consumer counsel tax- Authority for this tax is found under 69-1-101 through 69-1-404, MCA.  Department of Public Service Regulation tax- Authority for this tax is found under 69-1, MCA.  Escheated estates- Authority for this tax is found under 72-14 Parts 1-3, MCA.



Emergency 911 phone service regulation tax- Authority for this tax is found under 10-4 201 through 10-4-212, MCA.

Inheritance tax- Authority for this tax is found under 72-16, MCA.

Minimum cigarette price law- Authority for this tax is found under 16-10-2, MCA.

National housing tax- Authority for this tax is found under 17-3-301, MCA.

Rural electric and telephone cooperative license tax- Authority for this tax is found under 35-18, MCA.

Telephone company license tax- Authority for this tax is found under 15-1 and 15-53, MCA.

Tobacco products tax- Authority for this tax is found under 16-11-1 and 16-11-2, MCA.

## **GOALS AND OBJECTIVES:**

- Administer the statutes and attendant rules in an efficient and equitable manner to insure the fair and equal treatment of all taxpayers, proper compliance, and timely payment of all taxes; (1-MT)
- Achieve and maintain a cost effective level of compliance with the state tax laws in a manner respectful of all citizens; (1-MT)
- Account for tax returns and payments; (1-MT)
- Collect delinquent taxes; (1-MT)
- Inform taxpayers, employers, and practitioners of the income and withholding tax filing requirements; (1-MT)
- Simplify reporting requirements; (2-MT)
- Issue tax refunds promptly; (2-MT)
- Select returns for examination that result in cost effective use of resources; (2 -MT)
- Resolve 60% of the tax disputes at the division level; (2-MT)
- Respond to taxpayer's written inquiries within 15 days and return all telephone inquiries within two working days; and (3-MT)
- Compliance with the many tax laws by enhanced computer matching of tax records with other available information. (3-MT)

## **NATURAL RESOURCES AND CORPORATE TAX AUTHORIZATIONS**

### **Title 15 - Taxation**

#### **Chapter 1**

Concerns tax administration and addresses the Department of Revenue, investigations and hearings, protest payments, actions to recover, and alternative remedies. Also addressed are the disposition of tax records, multistate tax compacts and collection of delinquent taxes including warrant for restraint.

#### **Chapter 23**

Concerns centrally assessed property and addresses railroads, public utilities, airlines, mine net proceeds, oil and gas net proceeds, coal gross proceeds, and metal mines gross proceeds.

Chapter 31	Concerns corporation license or income tax and addresses corporation licenses, collection of delinquent taxes including warrant for restraint, tax rate and return, small business corporations, allocation and apportionment of income and corporation income tax. The chapter also addresses lists of corporations and banks and savings and loan associations.
Chapter 32	Concerns energy-related and ecological incentives and addresses investment in energy conservation or alternative energy, tax credit for purchasing Montana produced organic fertilizer, wind-generated electricity and recycling of material.
Chapter 33	Concerns small business investment incentives and in particular address small business investment companies and tax exemptions.
Chapter 35	Concerns the coal severance tax and in particular the New Coal Production Incentive Tax Credit Act.
Chapter 36	Concerns oil and gas severance tax.
Chapter 37	Concerns mining license tax and addresses metalliferous mines and micaceous mineral mines.
Chapter 38	Concerns resource indemnity trust tax (RITT) and addresses the resource indemnity trust fund.
Chapter 51	Concerns electrical energy producer's tax.
Chapter 59	Concerns cement taxes and addresses cement and gypsum producers and also cement dealers.
Federal and State Royalties	<p>Authority for this tax is set forth in a Memorandum of Understanding dated February 20, 1992 between the Montana Department of Revenue and the Montana Department of State Lands and is as follows:</p> <ul style="list-style-type: none"> <li>-federal royalties: 30 USC § 1735</li> <li>-state royalties: <ul style="list-style-type: none"> <li>-1972 Montana Constitution, Art X, §11</li> <li>-§77-1-202(1), MCA</li> <li>-§77-1-301, MCA</li> </ul> </li> </ul>

## GOALS AND OBJECTIVES:

The Natural Resource and Corporation Tax Division administers 17 different taxes. These include Corporation License Tax, Oil & Gas Severance Tax, Coal Severance Tax, Metal Mines Tax, Gross & Net Proceeds Tax, Local Government Severance Tax, Electrical Energy License Tax and the Resource Indemnity Trust Tax. The Division also administers the State and Federal Royalty audit programs related to mineral production from State and Federal lands located in Montana.

Taxes administered by the Division generate \$150 - \$175 million in state revenue and \$50 - \$75 million in County revenue annually.

- To administer the statutes and attendant rules in an efficient and equitable manner to insure the fair and equal treatment of all taxpayers, proper compliance, and timely payment of all taxes;
- To properly notify all counties of property valuations based on mineral production;
- To insure the state receives the proper amount of royalties attributable to mineral production from State

and Federal lands in Montana;

- To conduct audits throughout the state and nation generating approximately \$15 million in additional revenue for the State and Counties annually;
- To resolve 95% of the cases contested as of June 30, 1994 by the end of 1995 biennium;
- To distribute mining proceeds property valuation notices to the Counties on or before June 15 of each year;
- To certify oil and gas new net proceeds valuations to the Counties within 50 days of the end of each calendar quarter;
- To distribute all local government severance tax revenues on or before the 25th of May and November of each year;
- To complete the coal gross proceeds tax redistribution to the counties by June 30th of each year;
- To distribute corporation license tax received from all financial institutions to the counties in which they are located within 20 days of receipt;
- To process 95% of all requests for the various tax certificates issued by the Division within 5 days of receipt;
- To process 90% of all refunds within 6 weeks or less of receipt;
- To respond to 100% of taxpayers requests for information within 5 days of receipt;
- To annually review all forms and instructions for the purpose of simplifying the filing requirements for taxpayers;
- To conduct field audits of all major coal producers during the 1995 biennium;
- To prioritize audit activities in a manner to insure maximum coverage and to address the most serious compliance problems;
- To audit all Federal oil and gas leases in our work plan as agreed to with Minerals Management Service for the biennium;
- To maximize the benefits of participation in the Multistate Tax Commission through close monitoring of our participation in the joint audit program to ensure at least a 5 to 1 return on our assessment fees.

#### **PROPERTY ASSESSMENT DIVISION AUTHORIZATIONS:**

Article VIII, Section 3 of the Montana Constitution provides for Property Tax Administration.

Article VIII, Section 4 of the Montana Constitution provides for Equal Valuation of Property Tax.

Article VIII, Section 7 of the Montana Constitution provides for Tax Appeals.

#### **Title 15 - Taxation**

##### **Chapter 1**

Concerns tax administration and addresses the Department of Revenue, investigations and hearings, protest payments, actions to recover, and alternative remedies. Also addressed are the disposition of tax records, multistate tax compacts and collection of delinquent taxes including warrant for restraint.

##### **Chapter 2**

Concerns the composition and organization, powers and duties, and appeal procedure for the State Tax Appeal Board (STAB).

##### **Chapter 6**

Concerns property subject to taxation and addresses classification and tax exempt property.

##### **Chapter 7**

Concerns appraisal and discusses general methods, greenbelt appraisal, the Realty Transfer Act and appraisal of residential property in areas of changing use.

##### **Chapter 8**

Concerns assessment procedure and addresses when, how, where, and to whom property is assessed. The chapter also addresses assessment revision and assessment and map books.



Chapter 9	Concerns equalization.
Chapter 10	Concerns property tax levies and addresses statewide levies, statement of levies, entry of taxes and limitation on property taxes.
Chapter 15	Concerns property tax appeals to the county tax appeal board.
Chapter 23	Concerns centrally assessed property and addresses railroads, public utilities, airlines, mine net proceeds, oil and gas net proceeds, coal gross proceeds, and metal mines gross proceeds.
Chapter 24	Concerns special property tax applications and addresses twenty separate items. These items are: motor vehicle fleets; mobile homes; migratory personal property; insurance companies; production credit associations; building and loan associations; livestock; leasehold and other interests in U.S. property; state and other exempt property; new industry--real property development; remodeling of building or structures; historic properties; commercial property; business incubators; industrial parks; local economic development organizations; value-added manufacturing; and trucks and truck trailers.
Chapter 44	Concerns forest lands tax.

#### GOALS AND OBJECTIVES:

- To mass appraise, classify, and assess all taxable commercial and residential land parcels and improvements according to the reappraisal schedule established by the Legislature. (1-MT)
- To complete the fourth reappraisal by 1997.
- To secure the necessary funding and personnel and provide training and quality control to ensure the statutory reappraisal requirements are met.
- To annually appraise and assess all business machinery and equipment subject to property tax in Montana. (1-MT)
- To annually obtain property inventories from all businesses and determine the market value of their machinery and equipment.
- To secure the necessary funding and personnel and provide training and quality control to ensure the statutory annual appraisal requirements are met.
- To appraise, classify and assess all agricultural and forest lands according to the reappraisal schedule established by the Legislature. (1-MT)
- To complete the fourth reappraisal by 1997.
- To secure funding and personnel and provide training and quality control to ensure the statutory reappraisal requirements are met.
- To objectively consider residential and commercial property owners' requests for review of their appraised values. (2-MT)
- To complete the reviews within 90 days after receiving a request.
- To annually appraise and assess property owned by businesses operating between counties. (1-MT).
- To annually obtain information on each inter-county business's income, stock and debt, and property costs and determine the market value of the business as an operating unit.
- To secure funding and personnel and provide training and quality control to ensure the statutory requirements are met.
- To annually certify taxable values and millage rates and enter the total valuation of each kind of property in the assessment book for all 56 counties. (1-MT).
- To efficiently administer the property tax appraisal and assessment responsibilities assigned the department by the State Constitution by: (2-MT).
- Create regional county appraisal and assessment offices by July 1, 1994.

- Adjust office hours of department field offices.
- Restructure the organizational structure of the division by July 1, 1994.
- Utilize funds deposited to the property valuation improvement fund to increase the efficiency of the property appraisal, assessment and taxation process through improvements in technology and administration.

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## Department of Administration

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### ACCOUNTING AND MANAGEMENT SUPPORT DIVISION AUTHORIZATION

2-15-1001, MCA	The Department of Administration was established under the Executive Reorganization Act of 1971. The department head is appointed by the Governor in accordance with Section 2-15-111, MCA.
2-15-1002, MCA	The Director of the Department of Administration shall serve as the ex-officio state treasurer.
17-1-102, MCA	Requires the Department of Administration to prescribe and install uniform accounting and reporting for all state agencies and institutions.
2-18-501, MCA	Describes the travel regulations the department is required to maintain.
17-1-111, MCA	Describes the general fiscal duties of the state treasurer.
17-1-510, MCA	Requires the department to prepare an annual state indirect cost recovery plan.
17-2-101 thru 17-2-107, MCA	Describes the accounting systems and treasury fund structure administered by the Department of Administration.
17-2-110, MCA	Describes fiscal year and required fiscal year financial reports including the preparation of a comprehensive annual financial report by the department.
117-2-111, MCA	Describes the review by the department of state special revenue accounts and proprietary accounts and the required review report.
17-2-201 thru 17-2-202, MCA	Describes the department's authority to allow state agencies and institutions to establish and maintain contingent revolving accounts and other non-treasury cash accounts.
17-5-Various, MCA	Describes various responsibilities of the department and, specifically, the state treasurer with respect to the issuance of state debt.
17-6-101, 102 and 105, MCA	Describes specific duties of the state treasurer.

Involved with implementation of the Fair Labor Standards Act, the American Disabilities Act, and the Civil Rights Act as part of the overall management responsibilities of the Director's Office, in department and state personnel issues. Involved with the collection of FICA taxes from public sector employees in coordination with the Public Employee's Retirement Division of DOA (Title 19, chapter 1, MCA).

## GOALS AND OBJECTIVES

### Director's Office

- Provide overall leadership, coordination, and policy direction for the department's eight divisions and five administratively attached boards and agencies in a manner consistent with state law and the Governor's priorities. (1 - MT/US)
- Provide department-wide budget review, coordination, and management resulting in a comprehensive budget package enabling the Department to best perform its mission while complying with executive and legislative mandates.
- Provide coordination and direction during legislative sessions to present a department-wide consensus on key issues.
- Provide departmental direction in the areas of information technology, building maintenance, purchasing, legal defense, accounting, mail distribution, and other key support areas.
- Coordinate and provide direction for personnel policy issues (FLSA, EEO, ADA, SSA, hiring, etc.) for a coherent, consistent department approach.
- Provide top-level management planning, program direction, and project prioritization.
- Serve as a departmental liaison with the legislature, boards and commissions, government agencies, and the public.
- Provide centralized support services and control functions to department clients. (1-MT)
  - Assist in prioritizing and resolving sensitive client concerns and issues.
  - Provide coordination and direction for a coherent, consistent approach to complex areas.
  - Develop departmental business strategies and enhancements to ensure that services are provided in an efficient and cost-effective manner.
  - Coordinate and administer bill drafting and reporting responsibilities pertaining to state debt activity, during regular and special legislative sessions. Perform extensive department bill tracking and division coordination duties.
- Provide centralized legal support for divisions and for attached-to agencies that do not have their own legal staff. (3 - MT)
  - Advise and assist on legal issues affecting department programs.
  - Review contracts for legal content to ensure compliance with state and federal laws, administrative rules, and policies.
  - Review and approve administrative rules.
  - Assist in reviewing and drafting department legislation.
  - Provide formal legal opinions on issues facing the department.
  - Provide legal advice and opinions to other state government entities, local governments and the public when that assistance furthers the department's mission.
  - Provide litigation and contested case support to the department except for tort claims.
- Coordinate issuance of Long Range Building Program general obligation bonds and tax and revenue anticipation notes. (2-MT)
  - Serve as Executive Secretary for Board of Examiners and chairperson for the Capital Finance Advisory Council.
  - Determine the size, timing, and method of issuing bonds and notes in consultation with the state's financial advisor, bond counsel, and state agencies.
- Provide clerical and administrative support to department and office professional staff. (2-MT)
  - Respond to critical deadlines and requirements.
  - Deal with sensitive issues, the general public, and a large number of general state topics and concerns, in a professional and tactful manner.
  - Provide professional, efficient support on numerous complex legal and financial projects.

### Division Administrator

- Coordinate, supervise and support the activities of the Accounting and Management Support Division. (1-MT)



- Monitor the General Fund cash flows for the purpose of determining if short-term borrowing is necessary to maintain an adequate balance. (2-MT)
- Coordinate the preparation, negotiation and distribution of the Statewide Cost Allocation Plan (SWCAP) with the company which contracted to provide the services. (2 - MT/US)
- Coordinate the development and preparation of the state fund cost allocation plan and the distribution and billing to state agencies. (3-MT)
- Coordinate the development and operation of the statewide implementation of the regulations related to the Cash Management Improvement Act. (3 - US)

#### Accounting Bureau

- Develop state accounting policies and procedures in accordance with generally accepted accounting principles. (1-MT)
- Provide accounting and financial reporting technical education and assistance to agency personnel. (2-MT)
- Compile and publish the Statewide Comprehensive Annual Financial Report (CAFR). (3-MT)

#### SBAS Support Unit (SSU)

- Maintain and control the Statewide Budgeting and Accounting System (SBAS), the Property Accountability Management System (PAMS) and the internal Financial Reporting System. (1-MT)
- Provide assistance to ensure that each agency properly utilizes both SBAS and PAMS. (2-MT)
- Provide accounting and computer technical education and assistance as it is related to these systems including the use of Online Entry & Edit (OEE). (2-MT)
- Develop enhancements to SBAS, PAMS and the internal Financial Reporting System as needed. (3-MT)

#### Management Support Bureau

- Coordinate the preparation of the Department of Administration's biennial budget request for submission to the Office of Budget and Program Planning (OBPP) and presentation to the Legislature. (1-MT)
- Monitor, analyze and report each division's budget and financial status. (1-MT)
- Monitor, record and pay general obligation bond indebtedness for the State of Montana. (1-MT)
- Act as liaison with OBPP, Legislative Fiscal Analyst and Legislative Auditor regarding budgetary and financial issues and operating policies relating to the Department. (2-MT)
- Provide technical accounting and budgeting advice within the Department and accounting services for the Department's General Fund divisions. (3-MT)
- Maintain Volume One of the Montana Operations manual (MOM) which contains administrative operating policies and procedures applicable to State Agencies. (3-MT)
- Provide administrative assistance and bonding expertise for the state, the Board of Examiners, and the Capital Finance Advisory Council. (2-MT)
  - Coordinate state debt service activity through periodic agency surveys and as staff to the Capital Finance Advisory Council. Responsible for collection of debt issuance fees, TRANS issuance and coordination, financial advisor and bond counsel contract management, volume cap agreement administration, and administrative assistance to other debt issuing agencies as needed.
  - Coordinate and respond to incoming debt questionnaires, surveys, audits, general public inquiries, as required.

#### Treasury Unit

- Receive and account for all money deposited by state agencies and ensure the timely transfer of the state's funds to the central bank clearing account to maximize investment earnings. (1-MT)
- Reconcile all bank accounts to the state's general accounting records (SBAS). (3-MT)

#### Data Processing Unit

- Provide daily operational support for the seven local area networks located within the Department which involves the location, diagnosing and correction of operational errors. (1-MT)
- Assist employees within the Department with the development of computer software applications and resolving related problems. (2-MT)
- Promote the compatibility of systems in the Department through purchase and installation of computer equipment and software that meets current and long-term needs of the divisions. (3-MT)

#### Personnel Services Unit

- Coordinate the Recruitment and Selection Process for all positions in the Department of Administration. (1-MT)

- Under delegated Classification authority, monitor, analyze and recommend the proper classification for all positions within the Department to insure internal equity within the Department and State Government. (1-MT)
- Provide Discipline/Grievance Handling guidance to Supervisors and Managers to insure personnel policies and procedures are adhered to and employees are treated fairly and consistently. (1-MT)
- Provide Salary/Benefit Administration for all employees of the Department. (1-MT)
- Develop and administer department personnel policies and procedures (1-MT)
- Represent the department at Labor Relation Meetings for five collective bargaining units. (2-MT)
- Develop the department's Affirmative Action Plan and interpret EEO rules. (2 - US)
- Coordinate training opportunities for department employees for mandatory training programs including Preventing Harassment, AIDS, Windmills. (3-MT)
- Provide new employee orientation for all new employees hired by the department. (3-MT)
- Provide outreach training to Job Service, Project Work Program, Career Training Institute, and participates in On-Campus Recruitment to recruit and retain a qualified and diversified work force. (3-MT)
- Develop personnel policies and procedures to fit the needs of the Department of Administration. (3-MT)
- Maintain volume III of the Montana Operations Manual (MOM) which contains state personnel policies and procedures. (3-MT)
- Contact individuals interested in state employment. (3-MT)

#### STATUTORY AUTHORIZATION:

17-7-201/212, MCA	Long Range Building Program and Budget
18-1-201/206, MCA	Bid Security
18-2-101/122, MCA	General Provisions
18-2-201/208, MCA	Performance, Labor and Materials Bonds
18-2-301/315, MCA	Contract Requirements and Restrictions
18-8-201/212, MCA	Architectural, Engineering & Land Surveying Services
22-2-401/408, MCA	Art for State Buildings

#### GOALS AND OBJECTIVES

- Present a single, comprehensive, and prioritized plan for allocating state resources for the purpose of capital construction and repair and maintenance of state-owned facilities and to prepare the Long Range Building Program (LRBP) for presentation to the Legislature. (1-MT)
  - Solicit agency requests by July 1 of each even-numbered year
  - Compile and evaluate all requests
  - Develop revenue estimate for the cash program
  - Recommend projects to be included in the executive budget
  - Prioritize projects
  - Author the LRBP
  - Distribute copies of the LRBP to agencies and the Legislature
  - Present the program to the Legislature
- Conduct the architect/engineer selection process. (1-MT)
  - Compile requests for appointments
  - Advertise projects to Montana design professionals
  - Receive proposals and assist agencies in evaluating the proposals
  - Conduct interviews, when necessary
  - Receive agencies recommendations and present them to the director
  - Notify consultants of appointments made by the director
- Advertise, bid, and award construction contracts within applicable state statutes. (1-MT)
  - Approve documents prior to advertising
  - Advertise projects in accordance with MCA
  - Receive and open bids
  - Evaluate bids and award projects

- Administer construction contracts with contractors. (1-MT)
  - Verify bonds and/or insurance, if applicable
  - Develop and implement Construction Section procedures for responsible and efficient management of state building projects
  - Administer construction contracts on small building projects
  - Perform professional review and interpretation of contracts and contract documents
  - Review and approve Construction Section documents
  - Review and evaluate contract claims and contract changes making recommendations for acceptance or rejection
  - Approve contractor pay requests
  - Review and approve change orders
- Provide budgeting and accounting services for the Architecture and Engineering (A & E) Division and the Long Range Building Program. (1-MT)
  - Oversee financial functions for the LRBP and the A & E Division
  - Assign project numbers
  - Prepare financial reports
  - Review, approve, and/or prepare budgeting and/or accounting documents for the LRBP and the A & E Division
  - Evaluate the LRBP's and the A & E Division's accounting system and direct the design and modification of the systems
  - Prepare, present, and defend the A & E Division's biennium budget
  - Allocate funding
  - Project revenues for the LRBP
  - Monitor the A & E Division's budget
  - Review proposed legislation affecting the LRBP and analyze its fiscal impact on the program
  - Prepare fiscal notes
  - Evaluate, establish, and modify internal controls required to maintain integrity of the financial operations
  - Control cash flow for numerous accounting entities
  - Project needs to maintain sufficient cash flow to cover anticipated expenditures
  - Invest or sell short term investments as required
  - Direct and/or participate in development and implementation of division accounting and/or personnel policies
- Administer contracts with architects and engineers. (1-MT)
  - Evaluate fee proposals
  - Negotiate contract terms
  - Enter into a contract with the architect or engineer
  - Approve pay requests
  - Solve contract disputes
  - Research, prepare, and distribute standard specification boilerplate items
- Provide plan and specification reviews for state agencies and units of the university system. (2-MT)
  - Review design for compliance with legislative intent and budget
  - Distribute plans for review by applicable agencies
  - Maintain organization of all new project contract documents by agency and project number
- Provide planning services to all state agencies, state run institutions, and the university system for the LRBP. (2-MT)
  - Evaluate agency facility needs and requests
  - Evaluate specific facility deficiencies
  - Explore potential solutions and/or options
  - Recommend final solutions
  - Evaluate code constraints
  - Estimate project costs
- Provide architectural services for state agencies, state run institutions, and the university system on projects under \$25,000 and on repair and maintenance projects without limit. (3-MT)
  - Coordinate possible projects with using agency
  - Prepare programming, design, construction drawings, and specifications
  - Administer advertising, bidding, and awarding these projects
  - Issue a "Notice to Proceed"
  - Provide construction administration
  - Approve pay requests



- Perform substantial completion
- Accept project on behalf of the state (final acceptance)
- Provide mechanical engineering services. (3-MT)
  - Conduct mechanical engineering related plan reviews for projects prepared by the private sector
  - Provide in-house design services and serve as a mechanical consultant to other state agencies
  - Administer energy retrofit programs and construction projects for state buildings
  - Assist the Planning Section by evaluating engineering related LRBP requests and developing appropriate cost estimates

#### STATUTORY AUTHORIZATION:

2-17-301, MCA	Communication Systems
18-7-101-107, MCA	State Printing
18-7-301-307, MCA	Control of State Printing
USC 94-519	Federal Surplus
USC 101-1-9, Section 1208	Excess Surplus
18-4-226 MCA	State Surplus
18-4-123 through 18-5-103 MCA	Central Stores
18-6-101 through 18-6-103 MCA	State Surplus & Salvage
18-5-201 through 18-5-205 MCA	Federal Surplus
2-15-1011 MCA	Federal Surplus
18-1-101 through 18-1-414, MCA	
18-4-121 through 18-5-502, MCA	
18-8-101 through 18-8-112, MCA	

#### GOALS AND OBJECTIVES:

##### Publications and Graphics Bureau

- Provide state agencies centralized services in printing, desktop publishing, layout and design, graphic and illustrative art, forms design, photo reprographics, binding and quick copy. (1-MT)
  - Produce 49.5 million duplicating impressions per year.
  - Produce 15 million duplicating impressions for the Legislative Session every other year.
- Provide for the administration and management of the state photocopier pool. (2-MT)
  - To provide 170 machines able to produce a total of 23 million copies per year.
- Provide for all printing and printing related purchases for State Government and provide print coordination, specification writing and claims auditing for contracted printing. (3-MT)
  - Produce 1500 purchase orders each year.

##### Property and Supply Bureau

- Provide a Central Stores Program for all state agencies for the central procurement, receiving, warehousing, and distribution of commonly used supplies.
- Operate a Federal and a State Surplus Property Program that provides a centralized surplus equipment disposal, sales and warehousing service to all state agencies, cities, counties, school districts, qualified non-profit organizations and the public.

##### Purchasing Bureau

- Develop and administer a fair, legal, cost-effective, professional procurement program for the State of Montana by ensuring fair competition according to statute, maximizing the purchasing value of public

funds, maintaining an accurate central vendors list, and providing highly trained personnel to determine cost-effective methods for purchasing goods and services.

- Provide professional expertise in procuring a variety of commodities through the competitive process. (1-MT)
- Provide purchasing assistance to buyers to provide effective and efficient service to state agencies. (2-MT)
- Provide and allocate natural gas for certain units of state government. (3-MT)
- Provide and manage the Montana Public Vehicle Fueling Program for state agencies and political subdivisions. (3-MT)

#### **INFORMATION SERVICES DIVISION AUTHORIZATIONS:**

2-17-501 - 2-17-503, MCA	Data Processing Authority
2-17-301 - 2-17-305, MCA	Telecommunications
2-17-306 - 2-17-313, MCA	Public Safety Communications
10-4-101 - 10-4-303, MCA	State Emergency Telephone System
20-32-101 - 20-32-104, MCA	Montana Educational Telecommunications Network

#### **GOALS AND OBJECTIVES:**

##### TELECOMMUNICATIONS OPERATIONS BUREAU

- Provide cost-effective, reliable voice telecommunication services on behalf of all state agencies, University System, and other government units:
  - Provide local telephone service, telephones, PBX switching system, key systems, and cable plant at state and university locations.
  - Cost effectively aggregate telephone, data, video, and radio traffic for the benefit of all state agencies.
  - Aggregate statewide contracts for long distance, credit card, 800, and other calling activity to save the state money.
  - Provide video services to support distance learning, continuing education, administrative meetings, and other needs on the facilities mentioned above.
- Provide wide area data network services for all state agencies, University System units, and other government units:
  - Provide wide area data network connections and standards to connect over 100 locations in all 56 counties to the mainframe and other computing platforms.
  - Aggregate Administrative, Justice, University, and Transportation data network facilities into one cost-effective, reliable multi-protocol data network.
- Provide local area data network and distributed computing services to all state agencies and some other government units:
  - Local area data network services to connect nearly 6000 individual computers or terminals to the facilities above to access their local computing facilities, as well as connect to the statewide facilities.
  - Coordinate term contracts, policies, and standards on computing systems and data networks to assure compatibility of state equipment, cost effectiveness of computing expenditures, and optimum use and protection of the data processing investment in each agency.

##### COMPUTING OPERATIONS BUREAU

The Computing Operations Bureau's mission is to provide reliable, effective, and efficient automation (computer) services to state government 24 hours per day, 7 days per week. These services include computer processing, data storage and retrieval, and output processing. Managing for maximum service availability and delivery in these areas requires support services on an ongoing basis which include:

- Hardware and software evaluation, installation, and maintenance.
- Configuration planning, performance tuning, and capacity management.
- Facility management, including disaster recovery, security administration, electrical power conditioning, fire detection and suppression, and air conditioning.

In addition, this bureau is heavily involved in modernizing the state's mainframe data center. Current projects

underway are aimed at improving performance, quality, ease of use, efficiency, and workload capacity of the computing center while reducing labor intensive, manual functions.

#### SYSTEMS SERVICES BUREAU

- Support for Information Systems Development:
  - Augment the productivity of agency information technology personnel by providing centrally-managed, shared technical support services to assist and support the use of systems development software and databases.
  - Facilitate agency systems development and operation by providing professional guidance and assistance in systems and database design and problem resolution.
  - Provide a fully-supported, current set of system software for access, systems development and support, and database management by maintaining current software releases and evaluating, with appropriate agency Information Technology staff participation, new releases and products.
  - Conserve statewide agency personal services (FTE), management, and training budgets by providing a small centralized professional staff of software specialists with expertise in all major software development facilities and databases, avoiding the need for individual agencies to develop this expertise internally.
  - Assure appropriate information technology training is available for information technology developers by ongoing design and review of training curriculum for systems analysis, programming, and database management.
- Information Systems Development:
  - Improve government through implementation of information technology by providing a highly-qualified, experienced staff of systems development professionals (project managers and systems analysts, designers, and programmers) who are available to all state agencies for development of critical business application software.
  - Guarantee continued availability and responsiveness of major financial application systems for accounting, payroll, public employees' retirement, and warrant writing by providing application software consulting, development, and ongoing support for the Department of Administration and the State Auditor's Office.
  - Ensure agencies with limited or no internal programming staff can depend on production application systems that support agency daily operation by providing a professional programming staff available to support and maintain these systems.
  - Reduce statewide agency personal services (FTE), management, training and/or private consultant costs by providing a centralized expert professional staff capable of providing system design and programming services for projects requiring resources beyond that of the permanent agency staff.
  - Lessen individual agency FTE requirements for applications systems development and support by supporting agencies' systems with a central pool of information system professionals.
- Support for Information Technology Users:
  - Assure agencies realize greatest possible benefit as a result of their Information Technology implementation by providing services that guide and support state agency selection and state employee use of standard hardware and software products, including training curriculum development; assistance and problem resolution with current software products; evaluating, with appropriate agency participation, new releases and product.
  - Avoid statewide agency personal services (FTE), management, and training expenditure duplication by providing a small centralized professional staff with expertise to support standard desktop and mainframe software and products used by state employees.
  - Foster improved, timely communication and exchange of documents and information among employees of state agencies by implementation and support of a statewide enterprise electronic mail system.
  - Promote and support the use of information technology for dissemination of state government information to Montana citizens and others by providing a Bulletin Board System (BBS), assisting and encouraging state agency use and supporting public access.
  - Assure appropriate information technology training is available for information technology users by ongoing design and review of training curriculum for standard desktop products (word processing and spreadsheets).

#### POLICY, DEVELOPMENT, AND CUSTOMER RELATIONS

- Provide Telecommunications Policy and Development:
  - Provide telecommunications research and development throughout Montana State Government (almost all agencies have no telecommunications staff).



- Advise agencies on telecommunications systems changes and upgrades and procure agreed to solutions.
- Advise and set telecommunications policy statewide and interface with agencies, the industry, and regulatory bodies on national and state telecommunications issues.
- Interact with all departments of government on telecommunications issues that utilize the department's centralized networks.
- Represent the department with the Montana Educational Network (METNET), working closely with educational offices on the development and deployment of distance learning networks and capabilities.
- Provide for statewide planning of public safety telecommunications activities and interface with the Federal Communications Commission on behalf of public safety users, both state and local.
- Provide Computing Policy and Development:
  - Provide control and coordination for government to ensure compatibility and cost effectiveness of computing systems acquisitions.
  - Review all agency requests for computing hardware and software for appropriateness.
  - Support cost-effective term contract procurement for standardized computing products (i.e., personal computers).
  - Provide procurement management for division on major computing acquisitions.
  - Perform contract management for all division computing contracts.
  - Manage strategic inter-division (i.e., disaster recovery) and inter-agency (i.e., imaging) projects.
  - Advise and set policy on computer standards that impact product choices and capabilities for agency personnel.
- Provide Technology Development & Design Services:
  - Provide research and development in support of internal ISD technical initiatives and for agency projects as appropriate.
  - Advise agencies on computing and data network issues, including procurement and design assistance; on all computing platforms and networks.
  - Provide control and coordination for government to ensure compatibility and cost effectiveness of computing systems acquisitions.
  - Advise and set policy on computing and data network standards that impact product choices and capabilities for agency personnel.
- Provide Statewide 9-1-1 Program Services:
  - Manage the statewide 9-1-1 system, representing the department with local government and industry in the 9-1-1 implementations.
- Provide Customer Services:
  - Identify products, services, and projects for providing marketing services, integrating marketing with all ISD functions to ensure that the customer receives the best information and service possible.
  - Work with customers and ISD staff to improve service deliverables.
  - Provide first level support on telecommunications and network problems and on data network adds, moves, and changes. Expand services appropriately, making it easier for the customer to interface with ISD by making one communication.
  - Provide organized training for data processing staffs and end user staffs in systems analysis, programming, word processing, spreadsheets, and other technical subject areas at less cost than possible by individual agency efforts.
  - Provide opportunities for ISD staff to exchange technical knowledge.
  - Manage a system for updating, distributing, and archiving ISD policies that affect state agencies.
  - Manage ISD external publications for consistency and audience relevance.
  - Issue surveys to assess ISD's role as a statewide technology provider.
  - Provide lead state security officer functions, coordinating ACF2 implementation, training agency security officers, and providing leadership in all aspects (and platforms) of data security.

#### GENERAL SERVICES DIVISION AUTHORIZATION:

2-17-101, MCA	Allocation of space
2-17-111, MCA	Custodial care of capitol buildings and grounds
2-17-301, MCA	Supervision of mailing, duplicating, copying and telephone facilities

2-17-111, MCA	Custodial care of capitol buildings and grounds
2-17-301, MCA	Supervision of mailing, duplicating, copying and telephone facilities

## GOALS AND OBJECTIVES:

### Administrative Unit

- Develop and enforce written specifications for facility services contracts in the Capitol area.(1-MT)
- Supervise the operation of the division. Coordinate all personnel decisions, prepare and defend budget and agency legislation, oversee program development. (1-MT)
- Provide facility services to buildings on the capitol complex for their maintenance and repair (MT)
  - Mechanical Maintenance (1)
  - Janitorial Contracts (3)
  - Security Contract (2)
  - Pest Control (3)
  - Elevator Maintenance (1)
  - Sanitation (1)
- Provide architectural services to the division and other state agencies. Insure that building modifications meet all codes and other legal requirements. Prepare bid specifications and supervise procurement process. (2-MT)
- Provide all accounting services for the division. Prepare annual budget, set rates, and bill and collect for services. (2-MT).
- Survey agency space needs and assign office space in state buildings. (3-MT)
- Negotiate office space leases for state agencies. Ensure that leases contain standard provisions and meet legal requirements (i.e. ADA compliance, liability and nonappropriation clauses). (3-MT)

### Maintenance and Construction Unit

- Provide basic maintenance support for the buildings on the Capitol Complex including repairs and upkeep, painting, and lock and key maintenance. (1-MT)
- Provide minor project construction services for remodeling on the Capitol Complex. (3-MT)

### Central Mail Processing

- Provide agencies with cost savings in outgoing mail through the use of presort and automated mail handling. (1-MT)
- Deliver interagency mail. (1-MT)
- Analyze current mail handling techniques and recommend more efficient methods. (1-MT)
- Provide cost saving bulk mail services. (1-MT)
- Provide efficient UPS package processing. (1-MT)

## STATUTORY AUTHORIZATION:

2-18-808 through 2-18-814, MCA	Administration of self-insured health and dental program and life insurance program
19-2-101 through 19-2-206, MCA	Administration of deferred compensation program
2-18-1101 through 2-18-1106, MCA	Administration of the incentive awards program
39-31-101 through 39-31-409, MCA.	Collective bargaining responsibilities.
2-18-301 through 303, MCA.	Pay administration responsibilities.
2-18-102(2), MCA	Delegation
2-18-201 through 2-18-209, MCA	Classification: development, guidelines, review and change, authorization, appeals, comparable worth
2-18-1011, 1012, and 1013, MCA	Classification appeals

2-18-401 through 2-18-412, MCA	Administration of State Central Payroll System
2-18-102, MCA	General policy development
2-18-604, MCA	Uniform leave administration
49-3-201, MCA	Nondiscrimination in Public Employment
39-29-112, and 39-30-106, MCA	Veteran's and handicapped person's employment preference
2-18-102, MCA	Training programs

#### Employee Benefits Bureau

Administration of the self-insured health and dental program and life insurance program. (1-MT)

- Provide the health and dental insurance for over 30,000 employees, former employees and their dependents
- Insure that the plan remains affordable by monitoring the services of the third party claims administrator
- Adjudicate appeals of claims decisions
- Efficiently administer health screening and health promotion programs in order to assure best use of premium dollars
- Develop techniques and systems for accurate eligibility determination for health, dental and life benefits
- Maintain accurate eligibility records; to collect and reconcile premiums to benefits
- Disperse premiums to carriers and contractors in accordance with policies and agreements
- Research and analyze claims experience data and develop plan design and operation changes to contain costs and/or improve benefits
- Communicate insurance options and provisions to employees, former employees and their dependents

Administration of deferred compensation program. (2-MT)

- Encourage employees to defer current compensation to a supplement retirement program by providing the means
- Design and efficiently administer a deferred compensation program in accordance with applicable state and federal tax regulations

Administration of other miscellaneous benefits to insure a stable and productive work force. (3-MT)

- Administer an incentive awards program to encourage employees to develop innovative ideas for improving the quality, efficiency and cost effectiveness of state services
- Design, develop and administer an efficient and uniform incentive awards program
- Administer an efficient and uniform sick leave fund program by which employees may share accumulated sick leave with co-workers

#### Labor and Employee Relations Bureau

Labor Relations Program:

- Provide professional, effective collective bargaining services to state agencies in accordance with 39-31-301, MCA. (1-MT)
- Represent governor and executive branch agencies in collective bargaining with labor organizations representing state employees. Bureau chief (and therefore bureau) is designated through executive order as the representative(s) of the chief executive officer of the state in collective bargaining, as authorized in 39-31-302, MCA. (1-MT)
- Draft pay bill and testify before and lobby legislature to secure passage of a bill reflecting either negotiated settlement or governor's position on pay. (1-MT)
- Represent executive branch agencies in various matters (i.e., unit determination, unit clarification, decertification, unfair labor practice cases) before the board of personnel appeals. Represents some executive branch agencies in arbitration hearings. (2-MT)
- Advise and assist agency managers in contract administration or contract interpretation. (2-MT)

Personnel Services Program:

- Develop administrative rules for personnel in order to comply with state and federal laws, updating the Montana Operations Manual, Volume III and other personnel publications, including the State Employee Handbook. (1-MT)



- Review and approve agency supplemental personnel policies to ensure consistency and compliance with other law and regulation. (2-MT)
- Assist/advise state and local government on implementation of personnel rules and practices. (1-MT)
- Inform state agencies about and to provide technical assistance on the administration of federal laws and regulations and state and federal court decisions, including the Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), equal employment opportunity law (state and federal), and the Family and Medical Leave Act. (1 - MT/US)
- Conduct studies on personnel issues and make recommendations for change, for example, performance appraisal and pay, sick leave use, dependent care issues, implementation of an employee assistance program. (2-MT)
- Operate the Disabled Employment Program, including coordination of implementation of the Americans With Disabilities Act in all state agencies. (1 - MT/US)
- Operate the Equal Employment Opportunity/Affirmative Action program. (EO 24-81)
- Operate the State Employee Combined Campaign by organizing the Employee Steering Committee and contracting with a single charitable organization to coordinate a one-time solicitation of state employees. (3-MT)
- Participate in specific agency personnel actions, such as selection, discipline handling, grievance resolution, investigations of discrimination complaints including sexual harassment, problem identification/solving. Provide guides and training on personnel issues to managers and employees. (3-MT)

#### Classification and Pay Bureau

##### Administration of Position Classification System:

- Develop and maintain classification methods and develop and maintain standards for each class in the statewide classification plan. (1-MT)
- Conduct post audits of classification decisions made by agencies with delegated classification authority. (1-MT)
- Investigate, review and issue responses to employee classification appeals and present appeal cases to the Board of Personnel Appeals. (2-MT)
- Maintain a file on each classified position and process documents into the PPP system to record classification information on classes and positions. (2-MT)
- Review and authorize the classification of each position and the reclassification of positions based on requests submitted by state agencies. (3-MT)

##### Administration of State Pay Plan:

- Write and publish pay plan rules in accordance with 2-18-301 (7), MCA. (1-MT)
- Administer pay exception program as authorized by 2-18-303 (7) and (8), MCA. (2-MT)
- Conduct biennial salary survey and report findings to legislature as required by 2-18-301 (2), MCA. (2-MT)
- Maintain various salary schedules used in state employee compensation, as required by 2-18-302, MCA. (1-MT)
- Publish pay exception, turnover and vacancy report. (3-MT)
- Respond to wage appeals involving alleged violation or misapplication of pay plan rules, as required by law and administrative rule. Represent personnel division in hearings before the board of personnel appeals. (2-MT)

##### Administration of State Payroll System:

- The State Payroll section is responsible for preparing the state payroll for state agencies on a biweekly basis (excluding the six units of the university system). (1-MT)
- Prepayroll: time reporting, adds, changes, deletes to employee payroll record.
- System edit and update; calculation of employee pay.
- Issue payroll advice/warrants and reports to agencies.
- Report payroll expenditures to SBAS.
- Prepare and issue tax and deduction payments.
- PPP software operation, maintenance, enhancement and security.
- Biweekly, monthly, quarterly and yearly reconciliation, balancing and reporting, issue W-2s.
- The State Payroll Section is responsible for maintaining the data base for the Payroll/Personnel/Position Control (PPP) system. (2-MT)
- Input and edit adds, changes and deletes to position and personnel records.
- Issue reports to agencies.
- Provide technical assistance to agencies in accessing and using the system.
- Coordination with the OBPP.

#### Training (Professional Development Center)

- Provide effective training, facilitation, coordination, and related services to state agencies and employees in helping them improve their services to the citizens of Montana. (1-MT)
- Deliver an interrelated series of Management Development Programs to build the skills and knowledge of managers in state agencies. (1-MT)
- Deliver relevant seminars open to all employees for the development of job-related skills and knowledge. (1-MT)
- Deliver training courses by agreement with individual agencies to enhance the job-related skills and knowledge of their employees. (1-MT)
- Promote participation in training programs through announcements, flyers, newsletters, press releases, etc. (1-MT)
- Deliver training seminars to enhance state employees' personal growth and effectiveness. (2-MT)
- Develop new training courses in response to identified needs of state managers and employees. (2-MT)
- Provide facilitation services (meetings, planning, conflict resolution, mediation) by agreement with state and local government agencies. (3-MT)
- Provide coordinating services by agreement with state agencies for conferences and meetings. (3-MT)

#### Systems Development Unit

- Develop and maintain information systems for support of the state benefit programs including online enrollment and eligibility systems for use by agency payroll staff. (1-MT)
- Support personnel functions of the automated payroll/position control/personnel (PPP) system. Compile statistical workforce profiles and create management information on pay projections, health benefits administration, equal employment opportunity, leave administration. (2-MT)

### **RISK MANAGEMENT AUTHORIZATION**

2-9-101 et seq., MCA

2-9-101 et seq., MCA

### **GOALS AND OBJECTIVES:**

#### Claims and Legal Services

- Provide cost effective, quality legal defense to state defendants through the use of either staff counsel, agency legal services counsel, or contract counsel in ALL claims and legal cases. (1-MT)
- Provide cost effective, quality legal defense to state defendants through the use of either staff counsel, agency legal services counsel, or contract counsel in approximately 60% of claims and legal cases. (2-MT)
- Provide cost effective, quality legal defense to state defendants through the use of either staff counsel, agency legal services counsel, or contract counsel in approximately 50% of claims and legal cases. (3-MT)

#### Risk Management Services

- Provide cost-effective and comprehensive insurance and risk management services to state agencies. Full insurance and risk management services will be provided for all state buildings and contents, airport & aircraft, boiler & machinery, and various other risks. (1-MT)
- Provide insurance and risk management services to state agencies for 60% of the state's buildings and contents, airport & aircraft, boilers & machinery, and various other risks. (2-MT)
- Provide insurance and risk management services to state agencies for 50% of the state's buildings and contents, airport & aircraft, boilers & machinery, and various other risks. (3-MT)

Note: The State of Montana has over \$1.8 billion in property and physical assets which are presently insured by the Risk Management and Tort Defense Division.

### **COUNTY TAX APPEAL BOARDS AUTHORIZATIONS:**

Article VIII, Section 7, of the Montana Constitution

Section 15-15-101 (1), MCA

County Tax Appeal Board - meetings and compensation

## GOALS AND OBJECTIVES:

### State Tax Appeals Board

- To hear and make decisions on tax appeals filed with this board, and with the 56 county tax appeal boards, as conscientiously and as expeditiously as possible.
- To provide an avenue of recourse for taxpayers, and for the Department of Revenue, dissatisfied with the decision of the county tax appeal board, or the decision of the Department of Revenue, in matters involving income taxes (Section 15-30-147, MCA), corporate taxes (Section 15-31-532, MCA), and severance taxes, centrally assessed property, and new industry (Section 15-2-302, MCA). (1-MT).
- There are no Priority 2 or 3 objectives for this program. The sole objective of the State Tax Appeal Board is to conscientiously and expeditiously provide an avenue for appeal of county tax appeal board or Department of Revenue decisions.

### County Tax Appeal Boards

- To provide an avenue of recourse for taxpayers dissatisfied with the Department of Revenue's assessment of their real or personal property (Section 15-15-101 (3), MCA) (1-MT).
- There are no Priority 2 or 3 objectives for this program. The sole objective of the county tax appeal boards is to conscientiously and expeditiously provide an avenue of appeal of Department of Revenue property assessments.

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## State Fund

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### Authorization

39-71-2311 through 2356,MCA

### Mission:

To administer the state-operated workers' compensation program.

## GOALS AND OBJECTIVES:

- To allow employers the option to insure their liability for workers' compensation and occupational disease coverage with a nonprofit, independent public corporation.
  - To enroll and maintain approximately 27,000 policies each year; to receipt payroll and premium information from these policies; to audit policyholders to assure correct payroll reporting and premium payments; to provide loss control services to policyholders; to maintain the State Fund on a sound actuarial and financial basis.
- To make statutorily required benefit payments.
  - To pay compensation benefits to injured workers; to pay medical bills; to maintain current claim reserves; to close claims when appropriate and possibly reduce the claim load per examiner; to provide the State Fund defense and representation in all mediation conferences; administrative hearings, and cases before the Workers' Compensation Court and Supreme Court.

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## Public Employees' Retirement

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### AUTHORIZATION:

Title 19, chapters 2, 3, 5, 6, 7, 8, 9, 12, 13, and 15, MCA.

The Public Employees' Retirement Board is provided broad fiduciary duties and is given administrative authority over eight statutorily distinct retirement systems



Title 19, Chapter 1, MCA

The Division is given responsibility for the Federal/State Social Security Coverage Agreement and must comply with federal law

42 U.S.C. Section 418

## GOALS AND OBJECTIVES:

- Maintain accurate and up-to-date information on the 30,000 contributing members. (1-MT)
  - Provide clear instructions and procedures to the 500+ employers reporting monthly payroll information. Improve information provided to employers by publishing and maintaining an employer handbook and periodic updates. Establish procedures whereby employers can electronically transmit payroll information to PERD.
  - Continue effort to periodically review all member service records to identify errors and insure accurate information for benefit calculations and actuarial valuations.
  - Prepare accurate and informative Statements of Account for distribution to all active members by August 1.
  - Improve the audit of monthly payroll reports through automated edits of member data.
- Provide for the accurate and timely payment of monthly benefits to over 13,000 retired members and their beneficiaries and refunds of member contributions and interest. (1-MT)
  - Conduct audits and verification of a sample of calculations for cost-of-living adjustments, minimum benefit payments and other adjustments after retirement.
  - Review procedures and forms used to estimate and calculate monthly benefits for each retirement system.
  - Cross check benefit recipients against decedent listings from Montana Department of Health, Social Security or private vendors to assure benefits are not being paid to deceased individuals on an annual basis.
- Provide accurate and timely retirement information to 35,000 active members and 13,000 retirees of the eight retirement systems and to employers, the administration, and legislators. (2-MT)
  - Complete estimates of monthly retirement benefits upon request (up to 2400 per year).
  - Complete clear statements of benefit changes and eligibility requirements through memorandum, newsletters, informational handbooks or other mailings.
  - Provide prompt, courteous information and assistance to members or retirees contacting the Division in person, by phone or mail.
  - Conduct 4 to 8 pre-retirement seminars throughout the state for persons within 5 years of retirement. Provide division staff training in personal financial planning with a long-term plan of developing retirement planning seminars for a broader group of public employees.
  - Provide payment information to payees whose benefits are electronically deposited.
- Provide staff support to the Public Employees' Retirement Board providing complete, timely and accurate information so board members can make informed decisions. (2-MT)
  - Provide ample and appropriate legal support services to the Board through the Department of Administration or Agency Legal Services so that board members receive accurate and timely legal interpretation and representation.
  - Monitor and evaluate legislative proposals affecting their retirement systems to ensure bills are technically correct and adequately funded. Develop and introduce legislative proposals necessary to maintain equitable benefit levels for retired members in an actuarially funded manner.
- Maintain accurate financial records of the retirement system funds and prepare required accounting reports and records. (2-MT)
  - Calculate supplemental payments and benefits; determine appropriate funding levels; and request the transfer of funds into appropriate systems by statutory timelines.
  - Prepare the Annual Report on the operation and financial status of the eight retirement systems by December 31.

- Prepare annual actuarial valuation and actuarial reports on the seven actuarially funded retirement systems by October 1 utilizing the results of actuarial experience studies conducted on the systems during 1994.
- Complete tax withholding reports to the Internal Revenue Service and the State Department of Revenue by required deadlines.
- Evaluate, review and approve disability retirement benefits for members who are permanently and totally disabled. (3-MT)
  - Enact legislation required to update disability determination procedures to ensure compliance with the Americans with Disabilities Act.
  - Improve the Division's resources for evaluating and reviewing disabilities so that the best possible information and recommendations can be provided to the Board.
  - Increase the use of physician examinations and reviews to provide more careful screening of disability claims.
  - Continue to review and address the Division's contested case process to ensure appellants receive a fair hearing, that clear and adequate records are maintained, and that contested cases are resolved as quickly as possible.
- Maintain and improve administrative procedures to ensure prompt and accurate resolution of eligibility questions; legislative changes or contested cases. (3-MT)
  - Review and revise all forms used in collection of information, determination of benefits or communication of requirements to members to insure forms are clear, accurate and in compliance with state and federal laws and regulations.
  - Review and revise Administrative Rules to reflect changing state and federal statutory requirements, to improve readability, to provide more detailed direction to members and retirees, and to ensure uniform application.
  - Continue to develop new and monitor existing internal operating procedures covering the processing of claims, reviews, and estimates and their presentation to the Board.
- Complete audit responsibilities for the years 1984, 1985, and 1986 for administration of Social Security. Continue to work towards a fair and economical resolution of the 1988 assessment from the Social Security Administration. (3-MT)

#### CONSEQUENCES OF ELIMINATION OR REDUCTION OF PRIORITY 3 OBJECTIVES:

- Evaluation and approval of disability retirement benefits: Elimination would place the determination of eligibility for disability retirements on the employee's treating physician. While this could reduce the operating budget of the Division, it would likely cause a greater increase in the amount of benefits paid. The long-term impact on the retirement trust funds could be significant, particularly for those systems with a high incidence of disability such as firefighters or municipal police. Those long term impacts will result in increased employer and/or state contributions to fund the higher benefits.
  - It is also likely that the approval of benefits would be less consistent and more vulnerable to appeal and litigation.
- Maintain and improve administrative procedures: Up-to-date procedures are essential to ensure decisions made by the staff and Board are defensible. Vague or non-existent policy or procedure when determining rights and benefits leads to inconsistent decisions which are difficult to defend in administrative hearings or litigation. The resulting costs to the retirement funds are difficult to estimate, but could be significant over time. Any resulting costs would be required to be paid by increased employer contributions to the systems.
- Social Security Administration: This goal may not be eliminated by the State of Montana due to a contractual obligation between the state and federal governments. Eliminating this goal from PERD's sphere/budget would require that it be taken up by another agency of the state. Such a switch will put resolution of the 1988 assessment from the Social Security Administration in the hands of the federal agency and individual public employers. Amounts assessed by the SSA have been arbitrary and large (\$39 million). The state has a legal duty under Title 19, Chapter 1 and the Federal/State agreement to collect contributions for Social Security. The SSA has the authority to impound federal funding to Montana in the event contributions are not made.

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## Teachers' Retirement

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### TEACHERS' RETIREMENT AUTHORIZATIONS:

Chapter 87, Laws of 1937

Administrative Rules of Montana, Chapter 44

Montana Code Annotated Title 19, Chapter 20

Title 26, Sections 401(a), 410, 414(h)(2), and 415 IRC

### GOALS AND OBJECTIVES

- To maintain an actuarial sound, "qualified" retirement plan as defined by State Statutes, Title 19, Chapter 20 and Internal Revenue Code Sections 401(a), 410, 414(h) and 415. (1 - MT/US)
- To expand, improve and maintain a current and historical data base of active, inactive and retired members for calculation and payment of benefits. (2 - MT/US)
  - To maintain a contribution and service history of all active, inactive and retired members. This includes correspondence and beneficiary information.
  - To provide timely and accurate response to requests for information and calculation of projected retirement benefits, actual service credit, cost to purchase additional service, and contribution history.
  - To provide timely and accurate response to requests for retirement. To calculate and pay retirement, survivor, and disability benefits based on service credit and final average compensation. To calculate tax deductions and report taxable earnings to the IRS and State Department of Revenue.
  - To collect timely and accurate contributions from the employer.
- To prepare a biannual valuation of the assets and liabilities of the retirement system. Improve communication with members by providing information to explain the benefits of membership in the Teachers' Retirement System and information on individual accounts. (3 - MT/US)
  - To keep in convenient form that data which is necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the retirement system.
  - To provide yearly statements to all members. This includes information on account balance, contribution history, contracts for purchase of service, and service credit history.
  - To provide local presentations to teachers explaining benefits, legislation and tax issues.
  - To provide a biannual informational handbook to all members describing the Teachers' Retirement System, optional forms of retirement, survivor benefits, legislative changes in the benefit system, and State and Federal tax issues.
- Recodification of the Teachers' Retirement Act for consistency and organizational clarity. (3-MT)
  - Review and update Administrative Rules for clarity and conformity to statute

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## Department of Agriculture

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### AUTHORIZATION:

Article XII, Section 1, Montana  
Constitution 2-15-104 & 3001, MCA

Establishes the Department

2-15-3002-3015, MCA

Establishes Boards & Committees

80-1-102, MCA

Duties of the Department

### CENTRAL MANAGEMENT DIVISION AUTHORIZATION:

2-15-112, MCA

Duties and Powers of Department Heads



Title 2, Section 4, Montana Admin.  
Procedures Act

**GOALS AND OBJECTIVES:**

- Provide administrative and operational supervision (1-MT)
  - Develop and administer policy and procedures for department.
  - Initiate management direction to the department consistent with statute and the Governor's directives.
- Provide internal control (1-MT)
  - Develop and supervise budgetary, accounting, purchasing, personnel, property control, and system analysis.
  - Provide support services in development, establishment, and maintenance of agency programs.
  - Provide legal support to the department.
- Provide internal management support functions (1-MT)
  - Meet statutory requirements.
  - Effectively and efficiently deliver services to the agricultural industry.

Note: The division budget includes the Director's office which consists of the director and administrative support positions.

**AGRICULTURAL SCIENCES DIVISION AUTHORIZATION:**

80-3-301 et seq, MCA	Montana Produce Act
80-4-401 et seq, MCA	Agricultural Warehouse, Commodity Dealer and Grain Standards
80-5-101 et seq, MCA	Agricultural Seed Act
80-6-101 et seq, MCA	Apiculture Act
80-6-1101 et seq, MCA	Alfalfa Leaf-Cutting Bees Act
80-7-105 et seq, MCA	Control of Diseases and Insects in Nurseries Act
80-7-501 et seq, MCA	Crop Insect Detection and Management Act
80-7-701 et seq, MCA	Weed Control Act
80-7-801 et seq, MCA	Noxious Weed Management Funding Act
80-7-1101 et seq, MCA	Vertebrate Pest Management Act
80-8-101 et seq, MCA	Montana Pesticides Act
80-9-101 et seq, MCA	Montana Commercial Feeds Act
80-10-101 et seq, MCA	Montana Commercial Fertilizers Act
80-10-501 et seq, MCA	Anhydrous Ammonia Facilities Act
80-11-401 et seq, MCA	Mint and Mint Oil Production Act
80-15-102 et seq, MCA	Montana Agricultural Chemical Ground Water Protection Act
75-1-101 et seq, MCA	Montana Environmental Policy Act

7 U.S.C. 121 et seq.	Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
21 CFR part 500	Federal Food, Drug and Cosmetic Act Medicated Feed Inspection Program and Medicated Feed Mill Inspection
7 U.S.C. 147(a)	Organic Act (7 CFR 353)
7 U.S.C. 154, 161-165, 167	Federal Plant Quarantine Act
7 U.S.C. 150 aa-jj	Federal Plant Pest Act
7 U.S.C. 1621 et seq.	Federal Agricultural Marketing Act
7 U.S.C. 1551-1610	Federal Seed Act

## GOALS AND OBJECTIVES:

### Agricultural Sciences Division

#### Produce Standards, Storage, and Merchandising Program

- Ensure that quality fruits and vegetables are imported. (1-MT)
  - Issue 275 condition reports for imported produce upon request of industry.
- Provide inspection services for exported produce. (1-MT, FD)
  - Issue 4,500 grade certificates for 2.2 million cwt seed potatoes.
  - Issue 40 grade certificates for 1,000,000 lbs. cherries.
- Protect producers from financial loss resulting from misgrading or nonpayment of produce. (2-MT)
  - License 55 produce dealers.
- Provide more efficient shipping point produce inspection services. (1-MT)

#### Public Warehouseman/Commodity Dealer Program

- Protect agricultural producers from financial loss resulting from disappearance or nonpayment of commodities. (1-MT)
  - License and bond commodity dealers & public warehousemen.
  - Audits of grain facilities.
  - Conduct investigations.

#### Seed Program

- Ensure that seed sold in the state has complete and truthful labels. (1-MT, FD)
  - Issue 327 seed dealer licenses.
  - Issue and review labels for 81 seed labelers licenses.
  - Analyze 50 samples of agricultural seed.
- Monitor seed conditioning equipment. (2-MT)
  - Issue 140 seed conditioning plant licenses.
  - Review and inspect 5 seed conditioning plants.

#### Apiculture Program

- Control diseases and pests in honeybees, including Africanized Honeybees. (1-MT)
  - Inspect 1,200 hives of non-migratory beekeepers.
  - Develop Africanized Bee Action Plan.
- Prevent the overcrowding of bee pasture. (1-MT)
  - Register 106,000 beehives in 5,000 apiaries.
  - Investigate four causes of unregistered apiary placement.
- Provide inspection services to those beekeepers requiring inspection for interstate movement. (2-MT)
  - Inspect 8,000 hives for interstate movement.
  - Randomly inspect 5,000 hives under Migratory Beekeeper Compliance Agreement.

#### Alfalfa Leafcutting Bee Registration and Certification Program

- Promote and maintain a healthy and viable alfalfa leafcutting bee industry in Montana. (1-MT)
  - Register alfalfa leafcutting bee beekeepers.
  - Collect bee samples for official certification.
  - Analyze leafcutting bee samples.

#### Nurseries: Licensing And Inspection Program

- Control diseases and insects in domestic and imported nursery stock. (1-MT)

- License 650 Nurseries.
- Conduct 150 non-export nursery inspections to prevent spread of noxious weeds, insects and diseases.
- Provide inspection services to those nurseries requesting inspection of nursery stock for export. (2-MT, FD)
  - Issue 900 state and 300 federal phytosanitary plant inspection certificates.

#### Quarantines, Pest Survey and Detection Program

- Detect and monitor the presence of pests in the state to determine the need for quarantines and eradication. (1-MT, FD)
  - Enforce and administer seven state quarantines.
  - Monitor 25 traps to detect exotic plant pests.
  - Monitor 450 gypsy moth traps.
  - Review and process 65 applications for live plant pests permits.
  - Inspect 120 nurseries for Black Stem Rust susceptible Barberry plants.
- Control and prevent the spread of contagious diseases in seed potato stock. (1-MT)
  - Inspect and issue 50 grade certificates for seed potatoes being shipped between counties and states producing seed potatoes.

#### Noxious Weed Management Program

- Manage the Montana Noxious Weed Trust Fund and other weed funds and issue grants or contracts to county weed districts, local governments, Indian Reservations, and researchers for development of community cooperative weed management programs and new and innovative noxious weed management projects to improve weed management programs in Montana. (1-MT)
  - Administer and monitor the Montana Noxious Weed Trust Fund and weed vehicle fund.
  - Ensure that 25% of the weed vehicle fee is expended for non-chemical research and demonstration.
  - Process and review annually over 100 plus grant applications and verify to the Noxious Weed Advisory Council and the Director that these grant proposals meet statutory and administrative standards.
  - Prepare Environmental Assessments or Environmental Impact Statements on 70 grant applications.
  - Prepare, manage, and evaluate 90 new weed management grant contracts.
  - Evaluate 150 on-going, long-term grant contracts.
  - Conduct field evaluations of one-third of all active grants or contracts.
  - Review 300 narrative and financial reports submitted for each contract annually.
- Provide technical expertise and general assistance on noxious weeds and noxious weed management techniques to public and private land managers and the general public (70/yr). (2-MT)
- Issue emergency grants to weed control districts to eradicate or contain newly introduced noxious weed into the state or county. (3-MT)

#### Vertebrate Pest Management Program

- Conduct vertebrate pest management research and evaluation projects (2 per year) and support development of registration data on rodenticides required by EPA. (1-MT)
  - Provide technical assistance or in-kind personnel services to ensure projects are completed.
  - Provide field data and/or information on various vertebrate species to assist rodenticide consortiums in meeting EPA registration requirements.

#### Pesticide And Pest Management Program

- Ensure efficient and effective management of the department's programs (Pesticide and Pest Management, Laboratory Services, Ground Water Management, Weed Management and Vertebrate Pest Management) assigned to the Division by coordinating all program goals, objectives and performance standards. (1-MT/US)
  - Monitor, evaluate and resolve issues concerning goals, objectives and performance indicators for these programs.
- Ensure compliance with Montana Pesticides Act and rules by: inspecting (690/yr) pesticide applicators and dealers; investigating complaints of pesticide misuse, incidents and providing remedial assistance (87/yr); collecting pesticide residue and formulation samples (190/yr) and issuing appropriate compliance actions (60/yr).
  - Maintain the cooperative pesticide agreement with the U.S. Environmental Protection Agency on pesticide compliance, certification and training and new EPA pesticide program initiatives.
  - Register annually federally registered pesticide products (4,900/yr) for use in Montana and register products for special local needs (11/yr) and emergency pest problems (4/yr).
- Investigate and provide technical and remedial assistance and compliance standards at sites of major pesticide incidents and spills (5 to 10/yr) to reduce impacts on agriculture, the environment and humans. (1-MT/US)



- Ensure pesticides are sold and used by trained, qualified licensed/certified persons by providing training, educational manuals and materials, and examinations. (1-MT/US)
  - Annually license all qualified commercial and government applicators (1,410/yr) and operators (1,000/yr) and dealers (450/yr).
  - Annually permit all qualified farm applicators (average 1,700/yr).
  - Revise and update training manuals (2/yr) as technology and/or changes in laws and regulation warrant and provide training manuals for all categories of pesticide applicators and dealers in Montana.
  - Provide 16 hours of pesticide training and educational materials for initial licensing and certification (80 people/yr). Provide 6 hours of recertification training (2 times per year) for commercial and government applicators (720 to 910 people/yr) in Montana.
  - Assist county extension agents in providing training courses for farm applicators (25-35/yr) (number of courses varies with the size of the agricultural district involved).
- Continue development and implementation of new EPA pesticide program initiatives on worker protection, endangered species and disposal of pesticides and pesticide containers. (1-MT/US)
  - Determine the segments of the regulated community that will be affected by EPA's endangered species and container disposal regulations and begin education and implementation of the programs when the final regulations are published in the Federal Register.
- Conduct a state waste pesticide disposal and pesticide container recycling program.
  - Collect and properly dispose of wastes pesticides to reduce the threat to public health and the environment posed by improper management of unused or unusable pesticide products.
  - Collect and recycle empty metal pesticide containers.
  - Educate pesticide applicators on proper storage and disposal options for pesticides and pesticide containers.
  - Incinerate pesticides generated through the program to reduce future pollution problems.
  - Develop and implement rules as needed.
- Implement EPA's worker protection rules, conducting training (10-25/yr) for impacted parties, conduct outreach to insure compliance with these rules and prepare and conduct an inspection program to be fully implemented in FY96.
- Conduct surveys, provide training, field demonstrations and technical assistance to farmers, ranchers and the general public on insects, weeds and rodents, control methods, procedures and alternative controls (2,000/yr). (2-MT)
- Prepare environmental assessments or Impact Statements when required to comply with Montana Environmental Policy Act and administrative rules (3-MT)
- Implement a school integrated pest management (IPM) program to promote the use of pest control methods in Montana schools which will have minimal effects on human health, the environment, and non-target organisms.
  - Develop school IPM training manuals, exams, and a long-term recertification plan for the school pest applicator category under the Montana Pesticides Act.
  - Train and educate Montana school district and county superintendent employees on good school IPM methods by licensing and certifying 200 School Pest Pesticide Applicators.
- Enter into an agreement with USDA to educate and assist private pesticide applicators about recordkeeping requirements and to determine levels of compliance.
- Develop policy for reviewing proposed local government pesticide regulations and assesses requests from local government for rules to address local conditions.
- Develop cooperative agreements with Montana Indian Tribes.

#### Laboratory Service Program

- Provide reliable, dependable, economical and timely analytical data for the Department's feed, fertilizer and pesticide programs and for the Montana State University Agriculture Experiment Station. (1-MT/US)
- Maintain the cooperative Department and Montana State University Agriculture Experiment Station Analytical Laboratory Agreement to reduce operating costs by cross utilizing the facility, personnel, equipment and operations.

NOTE: Researchers of the Montana University System, farmers, ranchers and state and federal agencies and the public are provided analytical services on a fee basis by the MSU laboratory.

- Maintain a comprehensive Laboratory Computer Information Management System and the Laboratory Quality Control Project Plan and Standard Operating Procedures.
- Implement comprehensive laboratory safety programs to meet new federal and state "Osha" standards.

- Conduct pesticide formulation and residue sample analysis (1,000/yr) for the pesticide compliance and technical services units as described in the Pesticide and Pest Management Program goals and objections.
- Develop and use new analytical methods and techniques for new general pesticides in soil, vegetation and other environmental samples and for new EPA programs: worker protection; endangered species; disposal and storage of pesticides, and disposal of pesticide containers.
- Maintain and improve analytical capabilities for the analyses of nutrients, drugs, antibiotics, vitamins, other additives and for natural and man-made toxins in commercial feeds (1,960/yr).
- Maintain and improve analytical capabilities for the analysis of nutrients and toxic compounds in commercial fertilizers (815/yr).
- Conduct analyses for pesticide residue and natural toxins in food and raw agricultural products (as needed).
- Provide consultation to the public, farmers, ranchers, researchers, and agriculture business on nutritional and toxic substances in foods, fertilizers, soils, water and related commodities and environmental media materials (300/yr).
- Develop analytical methods to reduce the generation of laboratory hazardous waste materials.

#### Commercial Feed Program

- Ensure that all commercial feed products sold in Montana are accurately represented by their labels. (1-MT)
  - License 516 feed dealers.
  - Register 5,200 feed products.
  - Analyze 240 feed samples (1,200 analyses) for compliance with guaranteed analysis.
- Ensure that all commercial feed products sold or manufactured in Montana are free from contaminants. (2-MT)
  - Analyze 20 random samples for contaminants, such as heavy metals, pesticides, aflatoxins, and excess minerals.
  - Cooperate with feed industry to develop feed pellets that are free of weed seed.
  - Collect 80 feed pellet samples for germination testing.

#### Medicated Feed Program

- Monitor the use of animal drugs used in commercial feeds, and prevent drug residues in animal products marketed for human consumption. (1-FD)
  - Maintain the cooperative agreement with the FDA to inspect 10 feed manufacturers to insure compliance with FDA and state medicated feed manufacturing rules.
  - Sample 10 feeds for drugs and anti-biotics (25 analysis).

#### Commercial Fertilizer Program

- Ensure that fertilizer products sold in Montana are accurately represented by their labels. (1-MT)
  - License 230 fertilizer dealers.
  - Register and review labels for 1,3000 fertilizer products.
- Ensure that fertilizer products sold in Montana are effective and of good quality. (1-MT)
  - Analyze 150 fertilizer products (375 analyses) for conformance with label guarantees.
  - Review scientific efficacy research data for three fertilizer products which have made unusual efficacy claims.

#### Anhydrous Ammonia Program

- Inspect commercial anhydrous ammonia facilities for safety of equipment and operational procedures. (1-MT)
  - Inspect 50 anhydrous ammonia facilities.
- Disseminate information or conduct classes on the safe handling of anhydrous ammonia. (2-MT)
- Review and approve new sites for anhydrous ammonia facilities. (1-MT)
  - Review all applications and environmental assessments for new or relocated anhydrous ammonia sites.
- Investigate mishandling or accidents involving anhydrous ammonia. (1-MT)
  - Investigate reported anhydrous ammonia accidents.

#### Ground Water Management

- Protect ground water and the environment from impairment or degradation due to the use or misuse of agricultural chemicals (pesticides and fertilizers). (1-MT/US)
  - Conduct statewide general and site specific monitoring of ground water and other environmental media for agricultural chemicals (multiple sites-280 field samples/yr).
  - Continue to monitor the permanent state agricultural chemical ground water wells (8 sites samples 2 to 4 time/yr).
  - Ensure compliance by conducting comprehensive inspections of agricultural chemical users, dealers

and manufacturers (10 to 20/yr), collecting ground water and soil samples (65/yr) and investigating and monitoring incidents and spills (5/yr) that could cause impairment.

- Implement compliance actions and orders to preventing or remediating agricultural chemical ground water problems (5-10/YR).
- Conduct analyses for agriculture chemicals (pesticide and fertilizers) in ground water, soil and other environmental media samples (1,223/yr).
- Develop and use new analytical methods and techniques for the analyses of fertilizer compounds and for new generation pesticides in soil and ground water samples.
- Maintain the cooperative department and MSU Agricultural Experiment Station Laboratory Agreement to minimize costs by cross utilizing facilities, personnel, equipment and operations.
- Maintain the Laboratory Quality Control Project Plan and Standard Operating Procedures, and the comprehensive Laboratory Computerized Information Management System.
- Implement a laboratory safety program to meet new federal and state "OSHA" laboratory regulations and standards.
- Develop analytical methods to reduce the generation of laboratory hazardous waste materials.
- Coordinate agricultural chemical/ground water research and evaluation activities with government agencies, university and the public.
- Provide consultation to university researchers, state agencies, farmers, ranchers, and agri-business on health and environmental effects, chemical and physical properties, toxicological effects of agriculture chemicals found in ground water (450/yr).
- Provide for the proper management of agricultural chemicals and by establishing specific management plans to prevent, minimize and mitigate their presence in ground water. (1-MT/US)
  - Implement specific pesticide management plans (1 to 10 in the biennium) according to the standards established in the Acts.
  - Develop Standard Operation Procedures (SOP) for sampling and monitoring.

NOTE: Preparation of specific management plans is determined by specific standards in the Act. If numerous SMP's are required the department will prioritize development based upon the greatest risk to ground water and the public.

- Monitor, inspect or investigate 1 to 5 specific management plan sites per year.
- Implement compliance actions needed to ensure compliance with specific management plans (as needed).
- Provide for education and training of agricultural applicators and the general public on ground water protection, agricultural chemical use, and the use of alternative agricultural methods. (1-MT/US)
  - Conduct local educational programs on agricultural chemicals and ground water for chemical users and the public.
  - Conduct specific chemical applicator and dealer training in areas subject to a specific management plan (as needed).
  - Hold 1 major training course on agricultural chemicals and ground water.
- Prepare environmental assessments or impact statements when required to comply with Montana Environmental Policy Act and administrative rules. (2-MT)

#### EPA Special Program

- Implement various new EPA pesticide programs. (1-MT/US)
  - Complete plans and implement pesticide enforcement activities for ground water, disposal, mixing/loading sites and storage facilities by incorporating these new programs into the existing pesticide and agricultural chemical ground water programs.
  - Implement the new EPA pesticide certification standards into the existing program in compliance with the state/EPA Cooperative Agreement.

#### Mint Program

- Protect the mint industry from introduction and spread of diseases detrimental to the mint crop. (1-MT)
  - Adopt amended Mint Wilt Quarantine.
- Improve the culture and production of mint grown in Montana. (1-MT)
  - Conduct research to improve plant genetics and culturing practices via research contracts with Montana Experiment Station and the Mint Industry Research Council.
- Promote efficient marketing of mint oil. (1-MT)
  - License five mint oil purchasers.

#### **AGRICULTURAL DEVELOPMENT AUTHORIZATION:**

80-2-101-106, MCA

Provides for federal use agreement and designates the department as administering agency.



2-15-3003, MCA	Establishes State Hail Board
80-2-201-245, MCA	Establishes provisions of program activity and insurance rates on insured crops.
80-11-101-104, MCA	Defines Montana Department of Agriculture market development responsibilities.
80-1-101-102, MCA	Defines department information services and general responsibilities to Montana agriculture.
80-1-101-102, MCA	Provides that the department shall collect and publish agricultural statistics.
Pub. L. 64-190	United States Grain Standards (39 Stat. 482) Act.
80-4-701-727, MCA	The Montana Commodities Act.
80-4-301-313, MCA	Commercial Mustard Standards Act and Merchandising.
81-23-302, MCA	Provide dairy farmers production costs used in the milk pricing formula.
77-6-507, MCA	Provide cattle prices producers receive for use by the Department of State Lands in state grazing fee formulas.
Rules 42.21.122 ARM	Provide cattle, sheep and lamb prices received by producers in assessment of value for Montana Department of Revenue.
Disaster Assistance Act 1989:PL# 101-82 (Aug 14, 89)	Determination of county yields for disaster declaration and payment.
PL# 99-198 Food Security Act	Determination of county check yields of 1985.
90-0-101-402, MCA	General investment and market development provisions of the Montana Growth through Agriculture Act.
2-15-1817, MCA	Provides for the establishment of the Agriculture Development Council.
15-35-108, MCA	Provides for statutory appropriation of coal severance tax funds.
2-15-3002, MCA	Establishes Montana Wheat and Barley Committee.
80-11-201-224, MCA	Creates assessment on Wheat and Barley and defines provisions of program activity.
2-15-3004 MCA	Establishes Alfalfa Seed Committee.
80-11-301-318, MCA	Establishes assessment on alfalfa seed and defines provisions of program activity.

#### **GOALS AND OBJECTIVES:**

##### Agricultural Finance

Maximize the benefits associated with the use of funds available to assist in the improvement of substandard income rural families in Montana by making direct lower interest rate loans for agricultural purposes and providing grants for rural community development and education. (1-MT)

- Maintain/increase the investment of available funds into the Rural Assistance Loan Program and the Subordination Loan Program
- Provide assistance to help increase the quality of rural community development efforts.
- Keep poor loan performance at a minimum and loan write off at less than 1/2 of one percent.
- Provide the best possible leadership training and current issue exposure available to the 40 agri-business couples attending the annual Young Ag Couples Conference.

#### Hail Insurance Program

Insure/protect Montana's growing crops in order to improve the overall economic strength of the agricultural industry and the state of Montana. (1-MT)

- Provide hail insurance to agricultural producers at an affordable rate.
- Reduce the risk of growing crops in Montana.
- Improve the financial capacity of the agricultural industry.
- Provide coverage at rates as established within statute.

#### Agricultural Marketing & Administration

- Improve domestic markets for Montana's agricultural raw products and value-added products. (1-MT)
  - Increase dollar and volume sales of agricultural products.
- Develop international markets for Montana's agricultural raw products and value-added products. (1-MT)
  - Increase dollar and volume sales of agricultural commodities.
  - Develop sales of Christmas trees to Taiwan, Japan, and Hong Kong.
  - Increase sale of cattle and sheep to Mexico.
  - Increase dollar and volume sales of Montana products as opportunities arise.
- Provide trade/export assistance to Montana businesses entering international markets. (2-MT)
  - Increase dollar and volume of international sales.
- Assist Montana companies with raw and value-added product development. (2-MT)
  - Increase the number and dollar amount of value-added products sold in Montana, nationally and internationally.
  - Increase the size and number of Montana value-added producers.
- Through market research identify niche markets, potential alternative crops/products, and improved production /distribution techniques. (2-MT)
  - Increase the dollar and volume sales of existing Montana products.
  - Increase the number and sales of alternative crops/products available from Montana.
  - Lower production and distribution costs for Montana producers.
- Recruit additional agricultural businesses to Montana. (3-MT)
  - Increase the number and diversity of Montana Agricultural businesses.

#### Agricultural Statistics Program

- Provide high quality accurate, timely, and unbiased agricultural statistics. (1-MT/US)
  - Maintain the state-federal cooperative agreement to provide agricultural producers with information necessary to make informed and profitable decisions.
  - Collect, compile and publish a comprehensive set of agricultural statistics to serve the marketing needs of producers.
  - Promote Montana agricultural products and attract and develop agriculturally related industry.
  - Publish survey summaries and annual Montana Agricultural Statistics Bulletin.
  - Issue weekly crop weather bulletins and bi-monthly newsletter to keep agricultural producers and the public informed about current survey results, precipitation data, economic conditions, and crucial issues.
  - Provide bi-weekly radio summaries and television reports on agricultural statistics.
- Compile county level statistics for Montana on all major crops and livestock. (1-MT/US)
  - Provide statistics such as county production, prices, yields, etc. necessary to compute ASCS and other program/disaster program losses.
  - Provide data necessary to show impact of extraneous programs on agriculture.
  - Provide statistics to identify major crop and livestock production areas to determine transportation, storage and other service requirements and economic impact.
  - Provide statistics necessary to identify target areas for economic development.
- Maintain a master list of over 20 thousand Montana farm and ranch operators and use state of the art sampling techniques and collection methodology. (1-MT/US)
  - Provide sufficient sample capability to ensure accuracy.
- Support special requests for data/statistics for the state of Montana, Montana Wheat and Barley Committee, Montana Wool Growers, universities and others for production, marketing, disaster damage, predators, farm finances, and other crucial issues. (2-MT/US)
  - Provide necessary information for state lands grazing fee assessment, State Department of Revenue

prices received information, Milk Control Board price and expense information, DNRC moisture data and etc.

#### Agriculture Development Council

- Provide seed capitol for the commercialization and marketing of new and innovative agricultural products or processes. (1-MT)
  - Increase the number and diversity of Montana's agricultural enterprises.
  - Increase agricultural-related income (new wealth).
  - Create additional jobs.
- Enhance research capabilities and improve market development efforts through the "Growth Through Agriculture" market development investments/grant program. (1-MT)
  - Develop and transfer new and beneficial techniques, processes and knowledge to the individual producer.
  - Develop new and enhance existing markets for Montana's agricultural raw and value added products.
- Increase foreign trade activity through the prudent use of "Growth Through Agriculture" funds. (2-MT)
  - Increase sales lead generation.
  - Increase the dollar and volume amount of sales to foreign countries through producer export assistance.

#### Alfalfa Seed Committee

- Develop varieties favorable to Montana climatic and soil conditions. (1-MT)
  - Increase producer yield, vitality, and quality of alfalfa seed.
  - Increase planted acreage.
- Develop and improve control measures for diseases and pests which attack alfalfa pollinators. (2-MT)
  - Increase producer yield and quality of alfalfa seed.
- Improve grower knowledge of alfalfa seed production practices and alfalfa seed markets. (2-MT)
  - Increase alfalfa seed yield.
- Increase number of Montana alfalfa seed producers.
- Improve seed consumer understanding of the benefits of alfalfa hay production resulting from Montana alfalfa seed purchase. (2-MT)
  - Increase the value, volume, and dollar sales of Montana alfalfa seed.

#### Montana Wheat & Barley Bureau

- Promote and develop markets for Montana wheat and barley, nationally and internationally. (1-MT)
  - Continue to participate in market development organizations in cooperation with other states on a pro-rata share basis (based on total annual production).
- Encourage and promote scientific research into all phases of wheat and barley production and marketing. (1-MT)
  - Mitigate the cost of wheat and barley production and provide a quality end-use product for Montana's market place by the maintenance of research contracts primarily at Montana State University.
- Provide education and information services to Montana's wheat and barley customers, U.S. urban contacts and providers of the MW & BC assessment. (2-MT)
  - Make readily accessible to a wide range of users fast and reliable information regarding the agronomics, marketing, and end-use properties of Montana wheat and barley.
- Address transportation issues relating to Montana grain movement to domestic and international buyers. (2-MT)
  - In a spirit of cooperation with the transportation industry, share pertinent logistical information, reveal inadequacies, and thereby mitigate transportation costs, thus reflecting both an increased price to producers and a lowered cost to consumers.

#### State Grain Laboratory Bureau

- Provide grain inspection. (1-US, MT)
  - Provide unbiased official grades, state grades, and testing.
  - Develop Montana standards.
  - Provide requested services in a timely and effective manner.
- Provide commodity inspection. (2-US, MT)
  - Provide unbiased official grades, state grades, and testing.
  - Develop Montana standards.
  - Provide requested services in a timely and effective manner.



- Provide specialty crop inspection. (3-US, MT)
  - Provide unbiased official grades, state grades, and testing.
  - Develop Montana standards.
  - Provide requested services in a timely and effective manner.

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## Department of Corrections & Human Services

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### AUTHORIZATION:

Title 53, Chapter 1, Part 1 and Part 2, MCA	General provisions relative to Department of Corrections and Human Services. Purposes, powers, and duties of the Department of Corrections and Human Services.
Section 2-15-204, MCA	Lists the executive branch structure and provides for a Department of Corrections and Human Services.
Section 2-15-112, MCA	Establishes the duties and powers of department heads.
Title 2, Chapter 15, MCA, Part 23	Refers specifically to the Department of Corrections and Human Services.
Section 2-15-2301	Creates the department and director.
Title 2, Chapter 15, Part 23	Creates the Board of Pardons

### CENTRAL OPERATIONS AUTHORIZATIONS:

Title 2, Chapter 15, MCA, Part 1	Sets out the general provisions of government structure and administration.
Section 2-15-104, MCA	Lists the executive branch structure and provides for a Department of Corrections and Human Services.
Section 2-15-112, MCA	Establishes the duties and powers of department heads.
Title 2, Chapter 15, MCA, Part 23	Refers specifically to the Department of Corrections and Human Services.
Section 17-1-101 et seq.	Defines requirements for budgeting and accounting state finances.
Section 2-15-2301	Creates the department and director.
2-15-104,2301 MCA	Describes government structure, administration, and provides for DCHS.
53-20,Parts 1&5 MCA	Describes law pertaining to the treatment of the developmentally disabled and state owned facilities.
10-2-401 MCA	Authorizes and establishes the Montana
53-1-202 MCA	Eastern Montana Veterans Homes.
2-15-121, MCA	Defines the administrative attachment of the Board of Pardons.

2-15-124, MCA	Defines the requirements of quasi-judicial Boards.
2-15-Part 23, MCA	Establishes the Board of Pardons and defines the composition, allocation, and quasi-judicial status of the Board.
46-18-Part 1, MCA	Establishes state correctional policy and preliminary procedures.
46-23-Part, MCA	Establishes and defines the general provisions of the Board of Pardons.
46-23-Part 2, MCA	Establishes the general provisions for granting parole and defines the authority and responsibilities of the Board of Pardons.
46-23-Part 3, MCA	Establishes and defines the conditions, authorities, and responsibilities for clemency.
46-23-Part 4, MCA	Defines Board of Pardons actions on supervised release applications and defines Board of Pardons actions on supervised release violations.
46-23-Part 10, MCA	Establishes and defines the conditions, authority, and responsibilities for supervision and revocation.

#### **GOALS AND OBJECTIVES:**

Increase the public's understanding of the overall mission of the department and the specific mission statements which describe the role of its component systems of corrections, mental health, chemical dependency, and special services.

- Clearly articulate and disseminate through published documents, written policies, and oral presentations the mission of the department to target groups of interested public (church groups, fraternal organizations, advocacy organizations, etc.).
- Conduct pre-session public policy workshops for legislators prior to each session on the policy issues impacting the efficient delivery of human services for which this department is held accountable.
- Conduct routine in-service training workshops for department employees relative to global issues of mission and ability to provide the services expected from this department.

Enhance the quality of department personnel.

- Develop centralized personnel policies that are consistently applied and that are mission driven which allows the department to secure and retain appropriately motivated and trained staff.
- Encourage and implement a proactive non-adversarial collective bargaining process between department management and the unions representing the department employees.
- Reduce the numbers of employee grievance and arbitrations through early resolution mechanisms at the employee to supervisor level.
- Develop manpower development strategies to manpower development relationships with university systems, increased training programs for current employees, and employee performance incentive programs.
- Implement and maintain a work loss safety program to ensure a productive safe working environment.

Increase the effectiveness of the legal staff through the reduction in the number of instances dedicated to reactive litigation.

- Implement legal review procedures to ensure early identifications of problems relative to all policy and procedures throughout the department's line divisions.
- Constructively critique all department patient/inmate grievance policies and procedures pro-actively to insure speedy and fair resolution to all issues.
- Publish instructional manuals to the courts relative to criminal court orders and commitments, i.e., court documents which will reduce numbers of complications and interpretations relative to court intent and similarly department responsibility back to the courts.
- Develop and implement guardianships for all patients that do not have the capacity to make informed consent on issues of treatment and patient rights.

Require all activity of the department to be mission driven.

- Reinforce and perfect the system management approach to assigning accountability to managing, planning, and evaluating its service systems.
- Perfect the organizational vesting of authority and accountability to ensure such vesting creates a quality management approach in each division system of program services.

Increase efficiency of limited professional leadership and program development manpower in the central office through the realignment and redefinition of administrative support function.

Provide leadership and policy direction to the department in accounting and budgeting areas, federal and third party reimbursement rules and procedures, and information technology.

- Develop department accounting policies consistent with state policies and procedures.
- Develop budget status reports with standard estimation procedures and narrative format.
- Act as department liaison to external agencies.
- Develop department information technology standards consistent with state information technology standards where appropriate.
- Develop department reimbursement policies consistent with state law.
- Participate in the development of a long range information technology plan for the department.

Provide administrative support to the department in areas of accounting and budgeting, federal and third party reimbursement, and information technology.

- Record and maintain accurate, timely, and appropriate fiscal and payroll information on state accounting systems for the central office, probation and parole, pre-release centers, swan river forrest camp, Montana Chemical Dependency Center, and the Women's Correctional Center.
- Prepare accurate and timely monthly budget status reports and review with division administrators. Assure operation of department programs within authorized budget levels.
- Record and maintain accurate, timely, and appropriate fiscal information on all federal grants received by the Department of Corrections and Human Services.
- Record billable services rendered at institutions in an accurate and timely manner and submit billing to federal and third party payors.
- Respond to the needs of department management and computer users.

The Board of Pardons serves all Montana citizens by effecting the release into the community of an appropriate offender prior to the completion of sentence while still fully protecting society. The BOP is committed to securing the effective application of and improvements to the clemency and release system as well as of the laws upon which they are based.

- Protect the public safety and make every feasible effort to bring about the rehabilitation of those offenders incarcerated and those released.
- Subscribe to and promote parole as a process consisting of many decision junctures.
- Develop and implement a program of parole process education to ensure the offender, public, victims, judiciary, and policy making authorities are aware of trends and results within the parole process.
- Maintain and manage a state parole process that is consistent with sound release procedure and principles.

#### **CORRECTIONS SYSTEMS AUTHORIZATION:**

46-18-Part 1, MCA	Establishes state correctional policy and preliminary procedures.
46-18-Part 2, MCA	Defines the forms of sentences for criminal acts.
46-19-Part 1, MCA	Defines the method of execution of the death sentence.
46-19-Part 3, MCA	Authorizes offender commitments to prisons in other states - Western Interstate Corrections Compact
46-19-Part 4, MCA	Authorizes participation in the Interstate Corrections Compact.
46-23-Parts 1-5,10,11, MCA	Establishes and defines the conditions, authorities and responsibilities for probation, parole and clemency.
53-1-Part 1, MCA	General provisions regarding administration of institutions.



53-1-Part 2, MCA	Establishes and defines the authority and responsibilities of the DCHS and units thereof.
53-1-Part 3, MCA	Authorizes institutional industries programs, defines authority and responsibility.
53-1-Parts 4,5, MCA	Rules for per diem payments for institutional and residential correctional programs.
53-30-Part 1, MCA	Describes locations of correctional institutions, qualifications of administrators and conditions of confinement of adult offenders.
53-30-Part 3, MCA	Authorizes and defines the Community Corrections Act.
53-30-Part 4, MCA	Boot Camp Incarceration Program.

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53-30-Part 4, MCA	Boot Camp Incarceration Program.

#### **GOALS AND OBJECTIVES:**

- Ensure public safety and the rehabilitation of offenders by providing a coordinated system of correctional institutions, programs and services at the least restrictive setting based on an objective classification system.
- Provide adequate and appropriate supervision of offenders at all levels of the corrections system, for the protection of society, staff and offenders.

- Provide reception, classification, secure custody, rehabilitation, training, education, treatment and limited employment of adult felons sentenced to the Division of Corrections.
- Maximize the appropriate use of available community resources and volunteers.
- Provide community based supervision (including Intensive Supervision Programs) and counseling to adult felons sentenced to probation, released to parole and appropriately classified for placement in the community by the courts or from prison.
- Provide community based pre-release placements for treatment, education, employment and life skills training to adult inmates who are approaching parole eligibility or sentence discharge.

Implement a value-driven mission statement at all levels of the Montana corrections system.

- Integrate system values, objectives, policies, procedures, structures and resources in all system planning and operations.
- Establish and maintain mechanisms for productive communication, discussion and cooperation between and within all levels of the corrections system.
- Recognize, respect and attempt to accommodate the individual and special needs of all persons involved in the corrections system.
- Ensure that offenders are thoroughly informed of the mission, guiding principles, all rules, regulations, policies, procedures, programs and resources affecting their supervision.
- Ensure that all staff are informed of the mission, core values, guiding principles, trained and monitored in implementing all rules, regulations, policies, procedures, programs and resources affecting the programming and supervision of offenders.
- Provide a safe, secure, clean and positive environment at all levels of the corrections system.

Maintain and manage a state corrections system consistent with accepted correctional practice, the principles of total quality management, and mission driven.

- Pursue normalization of offenders as a primary goal of the corrections system.
- Institute and maintain mechanisms to ensure the civil rights of all offenders are observed and preserved.
- Define and demonstrate system accountability and responsibility in program operations and the use of resources.
- Respect individual differences (racial, ethnic, cultural, religious, sexual) at all levels of the corrections system.
- Recognize and respect the concerns of the victims of offenders supervised by the corrections system.
- Develop rules, regulations, policies and procedures with full cognizance of their potential impact on offender attitudes and behavior in accordance with the mission document.
- Conduct all offender assessments using objective criteria, to the extent possible.
- Preserve correctional program integrity at all times in assignment of offenders.
- Encourage and expect offenders to accept responsibility for all their actions, at all times.

Develop and implement a broad-based program of public education to ensure the public, judiciary, and policy makers are aware of trends and results within the corrections system.

- Integrate Montana corrections within the Montana criminal justice system and Montana state government.
- Pursue a policy of openness and positive relations with the public, the press, other government agencies and the private sector.
- Support research and evaluation to expand the corrections information base and to provide accurate, timely and meaningful information to all concerned.
- Encourage particularly able staff to contribute to state, regional and national professional forums.

## MENTAL HEALTH SYSTEM AUTHORIZATION:

53-21-Part 1, MCA

Describes the process for admission to state mental health facilities; the rights of people with mental illness; and the treatment obligations in state facilities.

53-21-Part 2, MCA

Defines community mental health centers and describes the Department's role in establishing, maintaining and monitoring these services.

53-21-Part 4, MCA

Defines the role and mission of the Montana Center for the Aged.

53-21-Part 5, MCA

Restricts admission of minors to Montana State Hospital.

**GOALS AND OBJECTIVES:**

Meet the needs of adults with severe mental illness through the provision of services at a 200 bed inpatient psychiatric program at Warm Springs and a 150 bed psychiatric nursing home program at the Montana Center for the Aged.

- Disseminate and achieve public understanding of clearly articulated missions for Montana State Hospital and Montana Center for the Aged.
- Develop programs at both facilities which are consistent with missions and with national accreditation
- Assure appropriate screening of all admissions to inpatient programs.
- Assure discharge planning for all patients and smooth transition into community programs for patients discharged.
- Work with other human services agencies to identify and/or develop programs appropriate for patients who are inappropriately placed in mental health facilities (i.e. head injured, developmentally disabled, personal care, personality disorder).
- Clarify with Indian Health Services and tribal officials the role of state inpatient programs and admission procedures.
- Develop a plan for long range use/replacement/modification of inpatient facilities.
- Maintain licensing and certification efforts.

Work in cooperation with other public agencies such as the Department of Family Services, Department of Social and Rehabilitation Services, Department of Health and Environmental Sciences and Office of Public Instruction to create and maintain a full continuum of services for children and adolescents with severe emotional disturbance through the Managing Resources Montana (MRM) program.

- Develop a comprehensive interagency agreement describing each agency's planning, service provision, custody and funding responsibilities.
- In conjunction with the Department of Family Services, local education agencies, local government and other agencies, develop pilot projects to demonstrate the effectiveness of a fully developed array of services.
- In conjunction with other state agencies, work to maximize federal participation in funding of services in order to increase services available through state funding.
- Continue to encourage, through technical assistance and standards development, the development of high quality and appropriate services for young people within the community mental health system.

Further develop a comprehensive community based system of treatment, rehabilitation and community support for adults with severe and disabling mental illness.

- Maintain and, where possible, expand case management, housing crisis intervention and other services to appropriately support consumers in communities consistent with the Ihler court decision and the mental health state plan.
- Work with the vocational rehabilitation system and community mental health centers to support and expand vocational services options.
- Develop a psychiatric consultation program for primary care physicians who serve people with mental illness.
- Arrange training/consultation for the mental health system on Native American cultural issues related to mental illness and the service system.

Improve the public mental health system through development of resources and support of related programs and through technical assistance to, and development of standards for, service providers.

- Work with university system to implement model curricula developed by Mental Health Division during the 1992-93 biennium.
- Provide education to judges, county attorneys, law enforcement personnel and others on the services available in the mental health system and appropriate ways to access those services.
- Assist in provision of statewide conferences on children's services and adult services.
- Work to develop and strengthen the availability of internship experiences in public mental health programs for students preparing for careers in mental health professions.



- Implement staff exchange programs between service provider agencies and academic departments preparing students for mental health careers.
- Increase usefulness of the department's management information system for in-patient and community based services.
- Use performance indicator data as well as input from consumers and families in assessing effectiveness of CMHC services. As necessary, amend program standards.

#### CHEMICAL DEPENDENCY SYSTEM AUTHORIZATION:

53-1-202 MCA	Describes the components of the Department of Corrections and Human Services and the components necessary for alcohol and other drug abuse services.
53-24-24 MCA	Describes the powers and duties of the Department of Corrections and Human Services, regarding alcohol and other drug abuse.
61-8-714 MCA	Penalty for driving under the influence of alcohol or drug programs approved by the Department.
53-21-601 MCA	Describes the functions of the Montana Chemical Dependency Center.
Part C, Title XIX	Describes the administration and regulations of the Substance Abuse Prevention and Treatment (SAPT) Block Grant.

#### GOALS AND OBJECTIVES:

Continue to assess the alcohol and other drug service needs of Montana and determine specific strategies to meet identified needs.

- Based on county plans, treatment data, cost information and legislative priorities, develop a comprehensive alcohol and other drug abuse plan every four years.
- Coordinate with social service agencies to ensure coordinated statewide planning effort alcohol and other drug abuse services.
- Coordinate with the Department of Social and Rehabilitation Services (SRS) to develop a plan for Medicaid reimbursement for outpatient services in the state approved programs.
- Coordinate prevention activities and treatment services with the provision of appropriate services.
- Coordinate prevention activities and treatment services with the provision of appropriate services.

Encourage local communities and state approved chemical dependency programs to play the primary role in the development and implementation of prevention activities. The state of Montana will spend not less than 20 percent of the block grant funds for the purpose of primary prevention.

- Require each state approved program develop a comprehensive structured approach to provision of prevention and education services.
- Participate in the development of prevention networks among state agencies, private non-profits and within the health planning regions to facilitate effective prevention strategies, improve communication among workers in all fields of prevention and develop cooperative approaches to implementation of prevention strategies.
- Improve the prevention reporting system being used by state approved programs to document prevention efforts funded through SAPT block grant.
- Support prevention activities in local communities and encourage local cooperative efforts to improve coordination of prevention activities.
- Encourage cooperative development and coordinated dissemination of information targeted specifically to high risk groups.
- Increase availability of information on chemical dependency by providing sample literature, encouraging the use of the state film library collection and by promoting the use of federal education media campaigns.
- To develop and implement a needs assessment for primary prevention

Maintain the quality of chemical dependency services provided in Montana.

- Conduct on-site program evaluations of all state approved chemical dependency programs to determine approval status and to ensure compliance with state treatment and educational course standards.
- Continue all phases of the counselor certification program, including compliance with continuing education requirements.

Demonstrate program effectiveness as measured by the following indicators:

Detoxification- Maintain at least 80% bed utilization; 80% completion ratio; and 50% successful referrals to other treatment.

Inpatient- Maintain 70% completion ratio; make follow-up contact with 55% of clients completing treatment at six months and one year after discharge; and document 70% no use for last thirty days for six months after discharge and last six months no use for the one year follow-up.

Intermediate- Maintain 70% bed utilization; document 70% completion ratio; 75% successful referrals to employment or education programs at discharge; follow-up contact with 55% of clients 6 months and one year after discharge; and document 70% no use for last thirty days for 6 months and six months no use for one year after discharge.

Outpatient- Maintain 100% of required 1/20 staff to client ratio; provide at least 2.5 counseling sessions to client per month; maintain 50% completion ratio; follow-up contact with 55% of clients 6 months and one year after discharge; and document 70% no use for last thirty days for 6 months and no use last six months for one year after discharge.

Intensive Outpatient- Maintain 100% of required 1/12 staff to client ratio; client requires 10-30 hours of program contact time per week; maintain 90% completion of all required sessions; follow-up contact with 55% of clients 6 months and one year after discharge; and document 70% no use for last thirty days for 6 months and no use last six months for one year after discharge.

Chemical Dependency Educational Courses- Maintain projected caseload for DUI and MIP; and completion ratio of 80%.

- To encourage and support statewide training for treatment program personnel through qualified organizations and service providers.
- To upgrade the certification and evaluation systems to enhance the quality, increase professional competency and staff time efficiency.
- To expand the evaluation process to include monitoring of increased contract provisions.
- To ensure validity of effectiveness data in the areas of follow-up and completion ratios by issuing guidelines, through evaluation review and close monitoring of goals and objectives.
- The evaluation unit will ensure the confidentiality of client records are maintained.
- To ensure programs directly or through other arrangements routinely make available tuberculosis services to each individual receiving treatment services and to monitor this process.

Continue to allocate resources for the purpose of ensuring efficiency, cost effectiveness and availability of services.

- Review requests for approval of new programs and program expansions, based on Department review criteria and continue to discourage duplication of services as well as encourage efficiency of services through existing programs.
- Encourage program consolidation and development of multi-county or district programs.
- Encourage all publicly funded chemical dependency programs to seek service revenue from other sources.
- Promote Montana State Chemical Dependency Center as a responsive, effective and innovative residential chemical dependency treatment program and not a minimum security facility for the criminal justice system, a homeless shelter, etc.
  - If funding becomes available, consider expansion of transitional living facilities, specifically for women and adolescents; purchase of additional inpatient beds for indigents; and development of programs for family members of chemically dependent persons.
- Determine the number of inpatient treatment beds needed in Montana in cooperation with the Department of Health and Environmental Sciences for use in Certificate of Need reviews.
- To encourage the most appropriate, effective and cost efficient utilization of services via the implementation of patient placement criteria and utilization review.
- To ensure that not less than 35 percent of the SAPT Block Grant for treatment and prevention services regarding alcohol, and no less than 35 percent of the grant for treatment and prevention services regarding drugs.
- Ensure treatment on demand at the Montana State Chemical Dependency Center by virtually eliminating the waiting list.

Provide within our state approved programs early intervention services for HIV in Montana communities that have the greatest need.

- To require that programs thoroughly explore high risk behaviors with their clients through bio-psycho-social assessments and complete drug histories.
- Require state approved programs to develop policies and procedures which address high risk behavior clients.
- To coordinate with the Department of Health and Environmental Sciences to develop training curriculum specific for substance abuse counselors and HIV testing.
- Continue to require contracted programs to admit HIV clients within seven days.
- Encourage clients exhibiting high risk behaviors to be tested for tuberculosis and HIV.
- Maintain contract with the South Central Mental Health Regional Center to provide services in Southside Billings, the Montana community identified as having the greatest need for IV drug treatment services.
- To ensure that treatment is provided to intravenous drug abusers. When 90% capacity is reached this is reported to the state. The state will monitor this waiting list.
- To ensure that intravenous drug users will be admitted to a program not later than 14 days after making the request for admission or 120 days after the date of such request.
- To ensure interim services will be provided if cannot be placed in treatment within 14 days.
- To ensure that each program receiving funding provide outreach services to encourage individuals in need of treatment to undergo such treatment.
- To ensure that no program receiving funding will use funds to provide individuals with hypodermic needles or syringes so that individuals may use illegal drugs.

Increase the availability of alcohol and drug abuse programs and services for women, particularly pregnant women and women with dependent children.

- The SAPT block grant will increase by 5 percent the availability of treatment services designed for pregnant women and women with dependent children; and ensure that either directly or through arrangements to make available prenatal care or childcare for women receiving treatment services.
- To encourage priority admissions of pregnant women and women with dependent children to the state approved programs.
- To provide interim services when insufficient capacity for treatment is reached.
- To encourage state approved programs to coordinate with other agencies providing services to women.
- To encourage counselors to become better educated on women's treatment needs and recovery issues.
- Encourage state approved programs to identify local and regional programs which provide services required by women in recovery.

Continue to provide for and encourage the development of group homes for recovering substance abuse abusers, through the operation of a revolving loan fund.

- Continue to contract with Providence to manage the Keystone Homes.
- To keep program updated and current to meet the needs of new Keystone Homes.
- To educate treatment programs and promote the availability of the revolving loan fund programs in Regions I through V.
- To promote Keystone within Region I through V at the district, intergroup and individual meetings of A.A. and N.A. communities.
- To successfully process a loan application for the establishment of a self-supported group recovery homes in each health planning region.
- To establish democratically run, financially independent and chemically free group recovery homes in each health planning region.

To reduce the extent to which tobacco products are available to individuals under age 18.

- To identify strategies to be developed to ensure compliance with law.
- To educate the alcohol and other drug programs on the strategies to be implemented.
- To develop a working relationship with the Department of Health and Environmental Sciences, Preventive Health Bureau on the compliance with the Synar Amendment.

Maintain the current level of chemical dependency services in Montana

- Maintain a minimum client/counselor ratio of 1 to 20, in traditional outpatient and 1:12 for intensive outpatient in all state approved outpatient programs. Maintain an occupancy rate of at least 70% in the detoxification and intermediate components.
- Contract federal and state funds to state approved programs based on county allocations and accordance with federal and state requirements by July 1 each year.
- Cooperate with the Corrections Division, Department of Family Services and Board of Pardons in establishing and conducting chemical dependency programs for individuals in or on parole from penal institutions.
- Maintain the computerized Alcohol and Drug Information System (ADIS) for all state approved chemical dependency programs and continue to process educational school (DUI) information.

Maintain the quality of residential chemical dependency services provided at the Montana Chemical



#### Dependency Center (MCDC).

- Provide timely and comprehensive detoxification, evaluation, bio-psycho-social assessment and referral based on nationally recognized patient placement criteria to ensure placement in the appropriate level of care.
- Provide a free standing inpatient treatment program that offers a variable length of stay based on continued stay review and discharge/transfer criteria with individualized treatment plans reflecting dimensional problem statements.
- Provide discharge planning and placement based on discharge/transfer criteria addressing the individual needs of the patient.
- To maintain a bed utilization of 85%.

To provide early intervention services through the state approved programs.

- Inform local agencies of all aspects of Assessment Course and Treatment (ACT) for DUI and the Minors in Possession substance abuse information course and provide assistance.
- Encourage state approved programs to support availability of employee and student assistance programs.
- Encourage development of appropriate process for assessment and referral of individuals entering the chemical dependency system.

#### SPECIAL SERVICES AUTHORIZATION:

Title 53, Chapter 20

Part 1 describes law pertaining to the treatment of the developmentally disabled. Part 5 describes function, location, duties and disposition of the state-owned residential facilities.

42 CFR, PART 400

Medicare and Medicaid: Requirements for Long Term Care Facilities for the Mentally Retarded (ICF/MR).

10-2-401 MCA

Describes locations and functions of the Montana and Eastern Montana Veterans Homes.

53-1-202 MCA

Establishes the Veterans Home program in the Department of Corrections and Human Services.

38 USC 641-DVA

Reimbursement to State Home and DVA Inspection Standards

42 CFR, Part 405

Medicaid/Medicare Requirements Long Term Care Facilities

38 USC 5031

DVA Requirements for Construction Grants

#### GOALS AND OBJECTIVES:

To continually provide leadership, administration, management, policy/budgetary direction, evaluation and staff support for Developmentally Disabled and veterans residential programs.

- Directly supervise and provide oversight, direction, consultation and assign duties to Superintendents, including hiring, evaluating, disciplining, approving leave and attendance forms.
- Supervise the development of suggested Department policies; implement federal/state and Department policy in Division; develop, review and approve policies of facilities prior to implementation.
- Supervise the development of the Division's (facilities) biennial budget request and review and recommend requested biennial operational budgets of the Division and its programs (facilities). Monitor Division and Program (Facilities) expenditures; develop and recommend revised operational or mitigation plans when necessary.
- Recommend proposed legislation in the areas of Developmental Disabilities (DD), nursing and domiciliary care. Review and approve impact statements on all division affected legislation. Testify before legislative committees, consult with legislators and respond to media regarding all division and program responsibilities.
- Advise and makes recommendations to director's office on all aspects of residential DD services and veterans nursing and domiciliary services.
- Prepare reports, review and approve reports prepared by subordinates, and prepare suggested responses to division correspondence for director or Governor.

- Review, modify and sign all service contracts with outside agencies required for division programs.
- Review and recommend approval of administrative rules, testify at court and administrative hearings.

Provide ongoing program evaluation, quality assurance and policy review, and investigations to ensure compliance with federal/state laws and certification standards.

- Visit and inspect program facilities recommending changes in programs, policies and procedures when necessary or based on deficiencies noted in certification surveys.
- Review certification survey reports on facilities compliance, recommend, review and approve responses and plans of correction.
- Conduct and review client abuse investigations and make recommendations.

Develop, coordinate and participate in state-wide planning efforts regarding DD services and veterans nursing and domiciliary services.

- Represent DCHS on the Governors DD Planning and Advisory Council (DDPAC). Act as Chairman of the Governors Human Service Sub-cabinet Advisory Council on Montana DD Service System. Coordinate and participate in planning of veterans nursing and domiciliary services.
- Review and approve procedures to ensure coordination of DD services and continuity of care between residential services and community services.

Ensure the provision of quality care, active treatment, habilitation, training, education, and medical care to the clients through compliance with state and federal medicaid ICF/MR certification standards.

- Continually meet all eight conditions of participation for medicaid ICF/MR certification by successfully passing annual surveys. The eight conditions require the facilities to ensure the provision of:

Effective Governing Body  
Protection of Client Rights  
Adequate and Qualified Staffing  
Continuous Active Treatment Programs  
Effective Behavior Management Programs  
Appropriate Health Care for Clients  
Adequate, Safe and Appropriate Physical Environment  
Adequate Dietetic Services (1-MT, U.S.)

- Maintain a maximum average daily population (ADP) of 160 and a minimum ADP of 150. (MT) (1)

Continually provide quality administrative and management support to enable facilities to provide an effective governing body, protection of clients right, adequate and qualified staffing; continuous active treatment, effective behavior management, and appropriate health care, as required in the first goal.

- Develop, revise and maintain policies and procedures for client care / treatment, facilities operations and personnel management and indicate by documented annual review. (1-MT, U.S.)
- Provide ongoing planning, monitoring and evaluation of services and document outcomes, recommendations or changes. (U.S., MT) (2)
- Provide a minimum of 75-110 hours of training to all entry level RCA direct care staff during the first year of employment, including pre-service, in-service and on the job training as well as regularly scheduled opportunities for training to professionals and other staff. (1-MT, U.S.)
- Ensure that adequate and appropriate personnel management and payroll practices are provided at the facilities, including policy implementation, classification, evaluation, attendance/leave reporting, recruitment, hiring, disciplining, client abuse investigations and work safety programs. (U.S., MT Investigation & Work Safety) (1) (MT Other) (3)
- Develop, monitor and evaluate facilities accounting, budget and ongoing expenditures by monthly review and compliance to acceptable state accounting procedures. (MT) (2)
- Provide adequate clerical and secretarial staff. (2)
- Develop, implement and update a medical records system which adequately reflects services provided and meets state and federal requirements. (1-MT, U.S.)
- Develop, implement and maintain purchasing, inventory and supply/warehouse systems and procedures for all equipment, supplies and materials required by the facilities in accordance with state regulations. (MT) (2)
- Develop and monitor contracts for required outside services (i.e., pharmacy, medical, dental) (U.S., MT) (2)

To continually provide quality administrative and management support to enable facilities to provide adequate, safe and appropriate physical environment, and adequate dietetic services as required by the first goal.

- Provide adequate food services which ensure a nourished and well balanced diet to all clients. (1-MT, U.S.)
- Develop, implement and monitor an ongoing facilities maintenance and repair system that ensures the operation of safe, healthy, and comfortable facilities and enhances the provision of treatment and habilitation programs. (1-MT, U.S.)

- Provide regular custodial and housekeeping procedures that ensure facilities are maintained in a safe, clean and attractive condition. (1-MT, U.S.)
  - Provide adequate and regular laundry services for facilities' flatware and clients' clothing. (U.S., MT) (3)
- Under Department supervision or by contract, ensure the provision of quality nursing and domiciliary care for veterans and veterans' spouses, through compliance with state and federal medicaid/medicare certification requirements for nursing facilities and the Department of Veterans Affairs (DVA) standards for nursing and domiciliary care.
- Continually meet all conditions of participation for medicaid/medicare nursing certification by successfully passing annual surveys. (1)
  - Continually meet all standards required by the DVA for nursing and domiciliary care by successfully passing annual surveys. (1)
  - Maintain an average daily population of 125 at Montana Veterans Home (MVH). (1)
  - Maintain an average daily population of 75 at the Eastern Montana Veterans Home (EMVH).

Under Department supervision or by contract, continually provide or ensure quality administrative and management support to the facilities.

- Develop, revise and maintain policies and procedures for client care / treatment, facilities operations and personnel management and indicate by documented annual review. (1)
  - Provide ongoing planning, monitoring and evaluation of services and document outcomes, recommendations or changes. (2)
  - Provide a minimum of 75 hours of training to all entry level RCA direct care staff before full employment, including pre-service, in-service and on the job training as well as regularly scheduled opportunities for training to professionals and other staff. (1)
  - Ensure that adequate and appropriate personnel management and payroll practices are provided at the facilities, including policy implementation, classification, evaluation, attendance/leave reporting, recruitment, hiring, disciplining, client abuse investigations and work safety programs. (3)
  - Develop, monitor and evaluate facilities accounting, budget and ongoing expenditures by monthly review and compliance to acceptable and state accounting procedures. (2)
  - Provide adequate clerical and secretarial staff. (2)
  - Develop, implement and update a medical records system which adequately reflects services provided and meets state and federal requirements. (1)
  - Develop, implement and maintain purchasing, inventory and supply systems and procedures for all equipment, supplies and materials required by the facilities in accordance with state regulations. (2)
  - Develop and maintain contracts for required outside services (i.e., pharmacy, medical, dental). (3)
- Under Department supervision or by contract, continually provide and ensure adequate and ongoing support systems and services required by the facilities.
- Provide adequate food services which ensure a nourished and well balanced diet to all clients. (1)
  - Develop, implement and monitor an ongoing facilities maintenance and repair system that ensures the operation of safe, healthy, and comfortable facilities and enhances the provision of treatment programs. (1)
  - Provide regular custodial and housekeeping procedures that ensure the facilities are maintained in a safe, clean and attractive condition. (1)
  - Provide adequate and regular laundry services for facilities' flatware and clients' clothing. (3)

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## Department of Commerce

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### WEIGHTS AND MEASURES BUREAU AUTHORIZATION:

Title 30, Ch. 12, MCA

Provides for the general provisions and the authority for the Department of Commerce to regulate the method of sales of Commodities, labeling requirements, testing of weighing and measuring devices, and the maintenance of state standards. The Federal Government also has an interest in these areas.



Provides for the regulation of the quality of petroleum products, licensing of measuring devices, and price discrimination. The federal government also has an interest in these areas.

#### GOALS AND OBJECTIVES:

The program goal is to find, identify and remove from commercial use all inaccurate weighing and measuring devices. (1-MT, US)

- The Bureau is committed to assure that the quantity statements on all prepackaged goods are accurate. (2-MT, US)
- The Bureau is committed to assure the quality of petroleum products (3-MT, US)

#### BANKING & FINANCIAL DIVISION AUTHORIZATION:

Title 2-15-1803	Establishes the State Banking Board
Title 31-1-221, 222	Licensing of sales finance companies
Title 32-1-202	Duties of State Banking Board
Title 32-1-211	Examination and supervision of banks and trust companies
Title 32-2-205	Chartering savings and loan associations
Title 32-2-301	Examination of savings and loan associations
Title 32-3-301	Chartering credit unions
Title 32-3-203	Examination of credit unions
Title 32-4-306	Examination of development corporations
Title 32-5-201	Licensing of consumer loan companies
Title 32-5-403	Examination of consumer loan companies
Title 32-7-109	Licensing of escrow companies
Title 32-7-108	Examination of escrow companies
Title 72-27-203 USC Sec 10 FDI ACTFDIC Improvement Act	Reports on prearranged funeral plans

#### GOALS AND OBJECTIVES:

The Banking and Financial Division strives to maintain public confidence and protect the public's investment in state-regulated providers of financial services. This is to be accomplished by maintaining a capable, well-trained professional staff to effectively monitor the activities and operations of regulated businesses. (1-MT)

#### MILK CONTROL BUREAU AUTHORIZATION:

Title 81-23-102, MCA	General powers of the department -- mandates the department supervise, regulate, and control the milk industry of this state.
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Title 91-23-204, MCA

Declining, Suspending, and Revoking Licenses -- Penalties in Lieu of Suspension or Revocation

Title 81-23-302, MCA

Establishment of minimum prices.

Title 81-23-303, MCA

Rules of fair trade practices.

Title 81-23-304, MCA

Limitation on extension of credit to retailers.

Title 81-23-305, MCA

Financing prohibitions -- producer and retailer.

Title 81-23-402, MCA

Report of Dealers -- accounting system -- records.

#### **GOALS AND OBJECTIVES:**

Regulate the milk industry in a manner that insures compliance with minimum pricing, fair trade rules, extension of credit and financing prohibitions. (1-MT)

#### **POL BUREAU AUTHORIZATION:**

Title 2, Ch. 15, Part 18, MCA

Establishes the Department of Commerce and all MCA boards under the department.

Title 39, MCA

Encompasses the laws governing the licensing boards under the Bureau of Professional and Occupational Licensing attached to the Department of Commerce.

#### **GOALS AND OBJECTIVES:**

The Professional and Occupational Licensing Bureau is committed to determining whether applicants for licensure in 34 separate professions and occupations are adequately qualified to perform the necessary services for which they seek a license. This provides great assurance to the public that services provided which the legislature has determined to be potentially harmful, and even deadly, are performed in a professional and safe manner. (1-MT)

The Bureau is also responsible for determining whether or not an existing licensed professional continues to be qualified to practice their trade or profession. This activity is monitored through the attendance of continuing education courses and the strict monitoring and investigation of complaints from the public and other professionals. (2-MT)

#### **ECONOMIC DEVELOPMENT DIVISION AUTHORIZATION:**

##### Small Business Development Center

Title 30-16-201, MCA

Provides for establishment and operation of the small business licensing coordination center.

Small Business Development Center  
Cooperative Agreement SB-2M-00137-06

##### International Trade

Authorization for International Marketing is provided in part by title 90-9-101 the "Montana Growth Through Agriculture Act"

## Census and Economic Information Center

Title 90-1-109, MCA

"State Census and Economic Information Center. The Department of Commerce shall, in cooperation with other state, federal, and local agencies, establish and maintain a central depository of information, including computer-retrievable files, concerning the significant characteristics of the state, its people, economy, land, and physical characteristics. The department shall analyze and disseminate such information to state, federal and local agencies and to the general public."

### **GOALS AND OBJECTIVES:**

The Economic Development Division is the lead agency for economic development in the Department of Commerce. Goals and objectives are prioritized by bureau.

#### Small Business Development Center

The goal of the SBDC is to help Montana's business prosper. (1 - MT & US)

- Providing top quality assistance to all SBDC clients.
- continually developing the quality of the SBDC network and the individuals working in the network.
- taking responsibility for finding workable solutions for each SBDC client.
- Helping small businesses expand their markets.
- Helping small businesses obtain access to capital.
- facilitating cooperation and coordination among all business technical assistance organizations in the state.

#### Business Location and Loan Administration Bureau

##### Microbusiness Finance Program

The program strives to provide access to capital for very small business firms. Loans are awarded to qualified regional non-profit organizations, which in turn make small business loans to business owners. (1-MT)

The program provides access to capital for firms owned by targeted minority populations. The program is committed to remove cases from general assistance, unemployment, or other social welfare programs through establishing clients in business. (2-MT)

##### Community Development Block Grant Program

The program is committed to Increasing employment opportunities for persons from low to moderate income. Grant proceeds are used by local governments to help finance business projects creating new employment opportunities. (1 - US)

##### Economic Development Administration Loan Fund

The program responds to instances of sudden and severe economic disaster or long term economic decline. Loans are made to local governments for pass-through lending to business projects. Loan repayments to the department are used to establish and maintain a state revolving loan fund for future development projects. (1 - US)

##### Business Recruitment Program

The Recruitment program identifies and pursues new business opportunities arising from the relocation or expansion into Montana of firms or potential firms from outside the state. The result will be to strengthen and diversify the state's economy. (1-MT)



### International Trade

The goal of the International Trade Program is to enhance the marketability of Montana goods and services in the International marketplace. The market areas being emphasized are ranked in order of importance:

Assist Montana companies in exporting value added products including manufactured and processed agricultural products. (1-MT)

Promotion of Montana as a travel Destination. (2-MT)

Assist companies in the service industry to expand their international marketing efforts. (2-MT)

Promote relocation and or expansion of Canadian businesses into the state, and reverse investment from other areas of the world. (3-MT)

### Census and Economic Information Center

- Provide data/information as described in MCA 90-1-109 and timely, accurate and affordable service in the use and distribution of information to all requestors. (1-MT)
- Receive, program, reproduce and distribute data and maps collected in the 1990 Census, the 1992 Economic Censuses and from other federal sources. (2-MT)
- Provide and build state-wide capacity in data dissemination and use by providing data/information, technical assistance, and program oversight and coordination to 27 network agencies in the state. (3-MT)

### **MONTANA PROMOTION DIVISION AUTHORIZATION:**

Sections 15-65-101, 15-65-102, 15-65-111 through 15-65-115, 15-65-121, 15-65-122 and 2-15-1816, MCA

Provide for the existence of the state tourism promotion program.

### **GOALS AND OBJECTIVES:**

The following are the base programs of the Montana Promotion Division and are of highest priority.

Consumer Advertising - Creates and increases consumer awareness of Montana as a year-round vacation destination, thereby increasing nonresident travel to Montana. (1-MT)

Consumer Publications - Consumer travel publications play an important part in the vacation planning process of travelers. The aim of this program is to produce and effectively distribute high quality, reader-friendly publications which portray the variety of recreational opportunities and attractions available in Montana. (1-MT)

Consumer Services - This program has a dual purpose: To provide consumers with Montana travel literature and travel planning assistance, and to produce and maintain accurate statistical data for the evaluation of the Division's advertising efforts. (1-MT)

Film Industry Promotion and Services - The Division actively promotes Montana as a film location for feature films/commercials, TV documentaries, music videos and still photography. (1-MT)

Industry Services - This program administers the distribution of lodging tax revenues to certified tourism organizations for their promotion as a travel destination, within the framework of the law and guidelines established by the Tourism Advisory Council. (1-MT)

The following Montana Promotion Division programs are the second and third tier in the relative priority of the Division.

Overseas Marketing - These program efforts are aimed at developing and increasing individual and group travel to Montana by targeting key tour operators, wholesalers, and the media in western Europe and the Pacific Rim. (2-MT)

U.S. and Canadian Group Travel- Efforts are designed to promote Montana's many group tour and travel opportunities by marketing directly to group tour operators. (2-MT)

Publicity - Efforts are designed to generate positive editorial exposure in national magazines, TV shows, and regional and local publications. (2-MT)

Tourism Development - The program coordinates and facilitates cooperative tourism-related efforts between federal and state agencies, rural communities, Indian tribes, and private sector interests. (3-MT)

Convention Promotion - This program strengthens Montana's image among convention and meeting planners nationwide through a two-tier direct mail campaign and an Invite-a-convention campaign encouraging in-state organizations to bid conventions to Montana. (3-MT)

Super Host Program - This program provides an on-going, comprehensive, community-based system for strengthening customer service and improving visitor information resources throughout the state. (3-MT)

#### **COMMUNITY DEVELOPMENT BUREAU AUTHORIZATION:**

##### Montana Coal Board

Title 90-6-201 - 212, MCA

Coal Board Authority and Mission

##### Hard Rock Board

The Hard Rock Mining Impact Act and the Property Tax Base Sharing Act.

Title 90-6-301 - 404, MCA

##### Technical Assistance Program

Title 90-1-101 - 108, MCA

State Technical Assistance and Planning Responsibilities

##### Housing Program

Title 90-1-106, MCA.

State authority and responsibility for housing programs.

Federal: 24 CFR 882 Section 8

Existing Housing

24 CFR 887

Section 8 Vouchers

24 CFR 91 CHAS

24 CFR 92 HOME

##### Community Development Program

Title 90-1-103(5), MCA

State authority for block grant operation

24 CFR 570

Community Development Block Grant

#### **GOALS AND OBJECTIVES:**

##### Montana Coal Board

- Ensure that appropriate fiscal assistance is provided for the most needed local public facilities or services impacted by major coal development. (1-MT)
- Provide ongoing evaluation and monitoring of all Coal Board funded projects. (2-MT)
- Provide quality technical assistance to all requests concerning coal impact mitigation. (3-MT)

### Hard Rock Board

- Assist mineral developers, affected local governments and communities, and state and federal permitting agencies to understand the Hard-Rock Mining Impact and Property Tax Base Sharing Acts: what the laws do, how they function, and what is needed to prepare and implement a workable local government impact plan. (1-MT)
- Meet as required and to act as necessary on issues brought before the Board concerning the interpretation and implementation of the Impact and Tax Base Sharing Acts and the proposed and current impact plans and plan waivers. (2) "MT"
- Mediate or, as mandated, adjudicate disputes between mineral developers and local government units concerning proposed impact plans, plan waivers, plan amendments and plan implementation. (3 -MT)

### Technical Assistance Program

- Improve local planning and development in Montana by Providing relevant information and training on land use options, land use laws and planning and development techniques to local government officials, planning boards, surveyors and others who request assistance. (1-MT) (mandated by 90-1-102 & 76-3-403)
- Encourage local comprehensive planning, economic development planning, and capital improvements planning by effectively managing the County Land Planning Funds (Coal Tax Grants) (2-MT) (mandated by 90-1-108)
- Assist local Government officials and other parties with financing important public facilities by providing relevant information and training on financing options and techniques. (2-MT) (mandated by 90-1-103- (3))
- Assist applicants for Montana Community Development Block Grants by providing technical assistance on community planning and facility financing. (3 - US) (Mandated by Title 1, Housing & Community Development Act of 1974, Certification)

### Housing Program

- Continue to provide decent, safe, sanitary affordable housing for over 3,300 low-income families in Montana. (1 - US)
- Implement a self sufficiency program for low-income Families to enable them to be off of housing and other public assistance within a 5 year period. (1 - US)
- Make ownership of housing possible for low-income Montana families. (1 - US)
- Ensure continued federal support from H.U.D. for many state programs, totalling up to \$21 million per year, by preparing the annual state CHAS, a 5 year planning document. (1 - US)
- Expand the amount of affordable housing in Montana for low-income renters. (2 - US)
- Rehabilitate sub-standard housing owned and rented by low-income renters. (2 - US)

### Community Development Program

- Ensure that CDBG projects result in sound investment in Montana's communities and are efficiently administered. (1 - MT & US)
- Ensure that the most needed public facilities or housing rehabilitation projects in Montana communities are appropriately assisted within the limits of CDBG resources. (1 - MT & US)
- Ensure that compliance with regulatory mandates from the U.S. Department of Housing and Urban Development (HUD) funding are efficiently and effectively meet. (1 - US)
- Ensure that all eligible Montana communities receive the appropriate technical assistance to aid in their receiving CDBG financing. (2 - MT & US)

## **LOCAL GOVERNMENT SERVICES - AUDIT AUTHORIZATION**

### Local Government - Audit

Article VIII, Section 12, Montana  
Constitution

Mandate for local government accountability

Title 2, Chapter 7, Part 5, MCA.

Audits of Local Governments



## Audit Review

Title 7, Chapter 7, Pt 5, MCA.

The statutory definitions of the purpose, timing, responsibility for, authority, and required local government entities to be audited and the eligible auditors. The duties of the department with respect to local government financial reporting and auditing, the roster of independent auditors authorized to conduct local government entity audits, the approval of local government responses to audit findings, and the review of local government entity audit reports.

### **GOALS AND OBJECTIVES:**

#### Local Government Services - Audit

##### Local Government - Audit

- Insure strict accountability of all revenues received and money spent by counties, cities, towns, and all other local governmental entities by conducting financial and compliance audits at the least cost to the audited entities while recovering program costs and adhering to the professional auditing standards established by the United States Comptroller General.
- Provide timely and expert evaluation, consultation and recommendations to the leadership of local governmental agencies concerning the fiscal and compliance status. (2-MT)
- Provide independent financial condition reporting to insure public confidence in the condition, accountability and integrity of the fiscal and compliance affairs of local entities. (3-MT)

##### Audit Review

- Ensure through review of local government entity audit reports and the entities' responses to the audit reports that the financial condition and operations of Montana local government entities are reasonably conducted and reported, and that the stewardship of local government entities is conducted in a manner to preserve and protect the public trust.
- Ensure constituent interests by determining, through review of local government entity audit reports and the entities' responses to the audit reports, that compliance with all appropriate statutes and regulations is accomplished.
- Improve the financial management of local government entities with respect to federal, state and local financial assistance. (2-MT)
- Establish and maintain uniform requirements for audits of Montana local government entities. (3-MT)
- Promote the efficient and effective use of audit resources. (3-MT)

### **LOCAL GOVERNMENT SERVICES - SYSTEMS AUTHORIZATION:**

Article VIII, Section 12, Montana Constitution

Mandate for Local government accountability.

2-7-503, MCA

Department to prescribe uniform reporting system -all entities

2-7-504, MCA

Department to prescribe accounting methods - all entities

2-7-513, MCA

Department to prescribe general methods and details of accounting for financial report- all entities except schools

7-6-2141, MCA

Department to coordinate county collection of state revenues

7-6-2203, MCA

Department to designate form for county annual report.

7-6-2302, MCA	Department to prescribe forms and implement rules for county budgets
7-6-2311, MCA	Department to prescribe forms for estimating revenues and expenditures - counties
7-6-2314, MCA	Department to establish chart of accounts and expenditure classifications for counties
7-6-2322, MCA	Department to receive annual budget documents from counties and assure compliance through county commissioners
7-6-4111, MCA	Department to prescribe format for city/town annual financial reports.
7-6-4113, MCA	Department to receive city/town annual financial report-authority to prepare if not submitted by entity.
7-6-4205, MCA	Department to prescribe forms and implement rules for municipal budgets.
7-6-4221, MCA	Department to prescribe forms for estimating revenues and expenditures- cities/towns
7-6-4225, MCA	Department to establish chart of accounts and expenditure classification for cities and towns.
7-6-4233, MCA	Department to receive annual budget documents form cities and towns and assure compliance through city/town councils.

#### **GOALS AND OBJECTIVES:**

- Assure the accountability of revenues received and money spent by Montana local governments through the prescription and maintenance of a uniform, statewide budgeting, accounting, and reporting system (BARS). (1-MT)
- Provide timely and expert consultation to local officials concerning the training and performance integrity of appropriate local financial management personnel. (2-MT)

#### **LOCAL GOVERNMENT ASSISTANCE ADMIN AUTHORIZATION:**

##### LGS- Administrator

This division administration program operates/manages under the multiple federal and state authorities enabling/mandating the individual twelve programs functioning in the Local Government Assistance Division.

#### **GOALS AND OBJECTIVES:**

- Direct and insure the timely, appropriate and efficient delivery of local assistance where it is most needed. (1-MT)
- Direct and insure the maximized and efficient utilization of all resources within the division. (2-MT)
- Direct and insure the appropriate integration of this division's objective into the mission and goals of the department. (3-MT)

## **BUILDING CODES BUREAU AUTHORIZATION:**

Title 50, Chapter 60, MCA

Statutes that create the statewide building code and assign responsibility for administration to the Department of Commerce.

Title 37, Chapter 68, MCA

Statutes that create the State Electrical Board and establish requirements for licensing of electricians.

Title 37, Chapter 69, MCA

Statutes that create the Board of Plumbers and establish requirements for licensing of plumbers.

Title 37, Chapter 71, MCA

Statutes that establish the requirements for licensing of public contractors.

## **GOALS AND OBJECTIVES:**

- Protect the health and safety of the public, employees, prospective owners in the state by adoption of appropriate minimum codes. Enforce those codes and building code statutes to effect construction of safe buildings and building components and recreational vehicles. (1-MT)
- Protect the health and safety of the public, employees, and prospective owners in the state by enforcement of the plumbers and electricians licensing laws. Insure that such plumbing and electrical work is accomplished by competent, properly licensed tradespersons. (1-MT)
- Provide prompt, courteous and efficient service to building owners, design professionals, contractors and trade persons in review and approval of plans; issuance of building, plumbing, mechanical and electrical permits; issuance of factory-built building and recreational vehicle insignias; issuance of passenger elevator certificates and issuance of plumber, electrician and public contractor licenses. (2-MT)
- Provide prompt, courteous and efficient field inspections to determine compliance with codes and permits and for investigation of complaints. (2-MT)
- Provide efficient and thorough field verification of compliance with plumbers and electricians licensing laws and rules. (3-MT)
- Protect the health and safety of the public, employees and property in the state by enforcement of the Public Contractor's Licensing laws and rules. (3-MT)

## **INDIAN AFFAIRS COORDINATOR AUTHORIZATION:**

Title 2-15-1813, MCA

The Coordinator of Indian Affairs is appointed by the Governor and is allocated to the Department of Commerce for administrative purposes only.

Title 90-11-101 & 102, MCA

To carry out legislative policy in establishing a program designed to establish and place Indian citizens in position to take their rightful place in society.

## **GOALS AND OBJECTIVES:**

- Have a thorough knowledge of problems facing both Indians and the state with regard to Indian concerns and to advise the executive and legislative branch of the state of Montana on Indian matters. (1-MT)
- Act as a spokesperson for Indian organizations and groups, both public and private. (1-MT)
- Promote and establish state/tribal cooperative agreements. (1-MT)
- Provide technical assistance to Montana's tribes and state agencies relating to the development of coal, water negotiation, gambling negotiation, jurisdictional issues, etc. (1-MT)
- Assist Montana's Indian populace in employment and economic development. (1-MT)
- Promote good relations between Indian and non-Indian groups, organizations and governments. (1-MT)
- Serve the Montana delegation in the federal congress on Indian Affairs. (2-MT)

## **MONTANA HEALTH FACILITY AUTHORITY:**

Title 90, Chapter 7, MCA

"Health Facility Development"



## GOALS AND OBJECTIVES:

- Finance capital projects for eligible health care facilities which respond to changes in consumer needs or governmental regulations with the issuance of new bonds.
- Provide financial, legal and educational assistance to all entities related to the process of tax-exempt capital financing for health care facilities.
- Administer a pool of bond proceeds (\$28,000,000) which will provide immediate funds for future loans to eligible health care facilities.

## MT SCIENCE AND TECHNOLOGY ALLIANCE AUTHORIZATION:

Title 90-3-101 - 901, MCA

Montana Science and Technology Financing Act, provides for establishment of, and guidelines for making loans from the Seed Capital Investment and the Research and Development Fund and a grant to McLaughlin Research Institute from the medical facilities research project account.

## GOALS AND OBJECTIVES:

### Seed Capital Financing Program

The Montana Science and Technology alliance strives to administer a seed capital program to assist in the development of innovative technology in the state by providing a source of capital to the technology-based entrepreneurial sector in the state's economy. MSTA expects to invest in between 10 to 15 companies at the seed, start-up, and expansion stages of development during the five-year management term of the \$7.5 million fund. Since Alliance funds are matched with at least a dollar -for-dollar basis with non-state appropriated sources, the total capital to be invested over the five year life of the fund is at least \$15 million. MSTA manages the Seed Capital Investment Program similar to a private venture capital fund. Financing usually involve unsecured risk but also include mechanisms to achieve a substantial return on investment. The Alliance expects to earn a ten to fifteen percent rate of return for the state from the Seed Capital Program. (1-MT)

### Research and Development Financing Program

The goal of the research and development program is to assist in the accelerated development of technology in the state by providing a source of funds to researchers and research organizations in Montana. The Alliance's Research and Development fund finances projects that have outstanding technological and commercial potential for the future of Montana. Since Alliance funds are matched on at least a dollar-for-dollar basis with non-state appropriated sources, the total capital to be invested over the Three-year life of the fund is at least \$11.9 million. MSTA financing require at least a two-times return-on-investment to be paid as a percentage of gross revenue. (1-MT)

## BOARD OF HOUSING AUTHORIZATION:

Title 90-6-101 - 127, MCA

"The Housing Act of 1975" which established the Montana Board of Housing, and defined its purpose and authority.

Title 90-6-501 - 507, MCA

"The Reverse Annuity Mortgage Loan Act" which established a Reverse Annuity Loan Program within the Montana Board of Housing.

## GOALS AND OBJECTIVES:

- To provide mechanisms which enable lower income Montanans to own or rent decent and safe housing which is within their financial capability. By continuing and enhancing existing single family home ownership and multifamily rental housing programs, and by coordinating available resources to develop new and innovative housing programs to mitigate the increasing housing needs in the state. (1-MT)

## **BOARD OF INVESTMENTS AUTHORIZATION:**

Article VIII, Section A of the Montana Constitution

Authority to invest funds

Title 17-6-201 - 331, MCA

Investment Guidelines

Title 17-5-1500 - 1600, MCA

Bond Issuance Authority

## **GOALS AND OBJECTIVES:**

- Administer the state investment programs as set forth in statute. (1-MT)
  - The objective is to meet investment performance benchmarks established by the Board and monitored by an independent third party.
- Administer the various bond issuance activities allowed the Board by the Legislature. (2-MT)
  - The board must issue all bonds in a cost effective manner which makes funds available to the recipients at as low a cost as possible.

## **MONTANA STATE LOTTERY AUTHORIZATION:**

Title 23, Chapter 7, MCA

## **GOALS AND OBJECTIVES**

- Maximize the net revenue paid to the superintendent of public instruction and board of crime control under section 23-7-402 MCA, and ensure that all policies and rules adopted further revenue maximization. (Section 23-7-202(3)) (1-MT)
- Undertake an aggressive marketing effort to develop and promote various lottery games. (2-MT)
- Establish and operate under stringent security standards to protect the integrity and credibility of the Lottery. (2-MT)

## **BOARD OF HORSE RACING AUTHORIZATION:**

Title 2-15-1881, MCA

Establishes the Board of Horse Racing.

Title 2-15-121, MCA

Allocation for administrative purposes only.

Title 23-4-104, MCA

Duties of the board.

Title 23-4-105, MCA

Authority of board.

Title 23-4-202, MCA

Penalty for violations of law - authority of board of judicial review.

Title 23-4-203, MCA

Race meets - when lawful.

Title 23-4-204, MCA

Race exclusively for Montana-bred horses - bonus for winner.

Title 23-4-304, MCA

Gross receipts - department's percentage - collection and allocation.

## **GOALS AND OBJECTIVES:**

To monitor and regulate the horse racing industry in Montana; to allow the racing industry, both live and simulcast, to grow and perform at a level which would be beneficial to all racing interests in the State of Montana while at the same time providing and promoting public confidence. Economic impacts include Montana's agricultural sector, county fairgrounds, and the communities (lodging, meals, supplies, feed, etc.) in which race meets are held.

## **DIRECTOR/MANAGEMENT SERVICES AUTHORIZATION:**

### **Management Services/Director's Office**

Title 2-15-104, MCA	Structure of the Executive Branch
Title 2-15-112, MCA	Duties and Powers of Department Heads
Title 2-15-121, MCA	Allocation for Administrative
Title 2-15-Part 18, MCA	Department of Commerce
Title 2-15-1803, MCA	State Banking Board - Director as Chairman
Title 2-15-3015 MCA	Agriculture Development Council - Director as Member
Title 37-1-Part 1, MCA	Duties and Authority of Department Director
Title 90-1-Part 1, MCA	Planning and Economic Development
Title 17-1-102, MCA	Uniform Accounting System and Expenditure Control
Title 17-Ch. 2, MCA	Accounting
Title 17-Ch. 3, MCA	Federal Revenues and Endowments
Title 17-Ch. 6, MCA	Deposits and Investments
Title 17-Ch. 7, MCA	Budgeting and Appropriations
Title 17-Ch. 8, MCA Disbursement and Expenditure	
Title 2-Ch.18, MCA	State Employee Classification, Compensation, and Benefits
Title 2-Ch.17, MCA	Property and Systems Development and Management
Title 18-Ch. 8, MCA	Procurement of Services
Title 18-Ch. 4, MCA	Montana Procurement Act

### **Consumer Affairs**

Title 30-14-Part 1, MCA	Consumer Protection Act
Title 30-14-Part 2, MCA	Unfair Trade Practices Generally
Title 2-15-1804, MCA	Proprietary Post-secondary Educational Advisory Council
Title 20-Ch. 30, MCA	Post-secondary Educational Institutions
Title 61-4-Part 5, MCA	New Motor Vehicle Warranties - Remedies

## **GOALS & OBJECTIVES:**

- The Director's Office provides executive, administrative, legal and policy guidance to the department programs in a manner which is consistent with state statute, administrative rules, and the Governor's direction. (1-MT)
- The Management Services Division strives to provide a quality internal organizational and support structure for the department of Commerce programs by providing fiscal, personnel, budgeting and data



processing services in a consistent and concise manner. (1 - MT & US)

- The Director's Office / Management Services analyzes with program managers the statutory, administrative and programmatic objectives of their program in order to maximize the benefit of the service provided to the citizens of Montana while minimizing the resources required to achieve those objectives. (2 - US & MT)

#### Consumer Affairs

- To provide consumer protection and advocacy to Montana consumers by resolving complaints and recovering monetary damages related to unfair trade practices and consumer protection. (1-MT)
- To minimize unfair methods of competition and unfair or deceptive practices in the conduct of trade and commerce by maintaining a system of information and investigation and initiating actions in the name of the state to restrain unfair/deceptive practices by temporary or permanent injunctions or temporary restraining orders. (1-MT)
- To prohibit the use of false or misleading literature, advertising, or representations by proprietary post-secondary schools or their agents. To continue to establish accountability for proprietary vocational schools and their agents by regulating compliance of the minimum standards relative to the quality of educational services, fiscal responsibility, and ethical business practices. (2-MT)
- To administer the statutory mechanism for consumers related to the New Vehicle Warranty Act, section 61-4-501, et.seq, "lemon law". To assure new vehicle purchasers and sellers that disputes arising from the vehicle's manufacture and operation can be satisfactorily solved through investigation and arbitration. (3-MT)

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### **Department of Labor & Industry**

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#### **COMMISSIONER/CENTRALIZED SERVICES DIVISION AUTHORIZATION:**

Title 2-15-104, MCA	Structure of the Executive Branch
Title 2-15-112, MCA	Duties and Powers of Department Heads
Title 2-15-121, MCA	Allocation for Administrative Purposes
Title 2-15-17, MCA	Department of Labor and Industry
Title 2-18, MCA	State Employee Classification; Payroll; Travel, Meals and Lodging
Title 17-1-102, MCA	Uniform Accounting System and Expenditure Control
Title 17-7, MCA	Budgeting and Appropriations
Title 17-8, MCA	Disbursement and Expenditure

#### **GOALS AND OBJECTIVES:**

- To orient services to the customers.
  - Measure customer satisfaction in order to improve it.
  - Have an open door, accessible, helpful, trustworthy department image through a) shared data and cross training for staff, b) reaching out to communities through workshops, publications, presentations, and c) implementing a department-wide "trust" project.
- To promote a healthy, prosperous employment environment in Montana.
  - Clarify and simplify employment laws, taxes and other employer/employee responsibilities.
  - Promote labor and management cooperation through alternative bargaining and dispute resolution models.
  - Promote efficiency in the job training delivery systems by encouraging community collaboration.
  - Participate in national and state policy decisions that impact our customers.
- To become more efficient through use of technology.

- Automate as much as possible, and increase the compatibility with the rest of state government and accessibility to the public.
- Take the department's services to the public through use of kiosks, pcs, and telephone technology.
- To be committed to a quality environment that invites the best of employees.
- Implement the August 1993 recommendations of the Quality Task Force.
- Continue the department's Quality Task Force in order to provide innovation and oversight to the department's quality environment.

#### **CENTRALIZED SERVICES GOALS AND OBJECTIVES:**

- To assist the department staff in better pursuing the department's mission and setting the visionary direction for the way in which the Department of Labor and Industry chooses to do business.
- Ensure the delivery of quality services that recognize the importance of satisfying customer needs.
- Survey and consult with the division's customers regarding the quality of services rendered.
- Study and analyze work processes in the department to inaugurate further efficiency and effectiveness.
- Develop accounting and budget systems that will enable each work unit to analyze its operations.
- Develop mutually recognized performance measurement criteria that enables this agency to focus on the results of program delivery.
- Monitor the budget for compliance with state and federal mandates and legislative intent.
- Empower staff to remedy problems at the earliest point.
- Develop policy and procedures to enable a consistent application of the decentralized decision-making structure.
- Eliminate outdated and unnecessary rules and regulations that impede customer service.
- Advocate for the development of a system that reduces the amount of paperwork necessary to meet customer needs.
- Identify inter-departmental and intra-departmental options to minimize the impact of any budget cuts to the services the agency delivers.

#### **JOB SERVICE DIVISION AUTHORIZATION:**

P. L. 97-300	The Wagner Peyser Act Of 1937
39-51-101 to 3207, MCA	Unemployment Insurance Law
P. L. 100-323	Employment Opportunities For Veterans
39-51-404, MCA	Employment Security Account Tax, To Prevent Closure Of Rural Job Service Offices
P. L. 97-300	Job Training Partnership Act
39-6-101, MCA	Apprenticeship Act Of 1941
39-7-601, MCA	State Displaced Homemaker Law

#### **GOALS AND OBJECTIVES:**

- To provide all Montanans with access to employment related services.
  - Expand the availability of employment related services and information through the use of kiosks and PCs containing automated labor exchange information.
  - Maximize the placement of individuals in employment through job matching and job training services in each Fiscal Year.
  - To share labor market information, and network and collaborate with other Human Resource, Economic Development, and education entities to improve the delivery of services.
  - Continue to provide and increase opportunities for school to work transitioning for youth through the Jobs for Montana's Graduates program.
  - Build trust in government through the use of a quality survey in all work units of the division.
- To improve the Unemployment Insurance (UI) claims intake process in local offices.
  - Streamline UI claims-taking process by taking claims over the phone.

- To increase the overall skill level of Montana's work force.
  - Provide employers with a comprehensive model of training which is standard throughout the industry and can be an alternative to formal higher education.
  - Promote the formation of committees to administer industry wide registered apprenticeship and training programs.
  - Increase the number of people in registered apprenticeship programs while lowering the number of sponsors necessary to maintain the program.

#### Job Training Bureau:

- Promote the best employment and training programs which result in long-term self-sufficiency through coordination of education, occupational skill development and increased employment.
  - Create a coordinated delivery system, easily accessible for all clients.
  - Institute appropriate job training components to ensure job training programs lead to long-term self-sufficiency.
  - Encourage workplace learning which integrates work with academics.
  - Increase the awareness of nontraditional training and placement opportunities in employment and apprenticeships for women.

### UNEMPLOYMENT INSURANCE DIVISION AUTHORIZATION

39-51-101 to 39-51-3206, MCA	Unemployment Insurance Program
18-2-402, MCA	Prevailing Wage Rate Law
P. L. 97-300	Job Training Partnership Act and related Wagner-Peyser
P. L. 91-596	Occupational Safety & Health Act
Title III and IX	Social Security Act Federal Unemployment Tax

### GOALS AND OBJECTIVES:

- To provide unemployment insurance benefits to eligible individuals.
  - Continue implementation of Interactive Voice Response System to streamline the weekly claims process which will allow claimants to dial in answers to questions on the paycard and inquiry as to the status of their UI benefits claim.
  - Implement a Profiling Program to identify claimants who are likely to exhaust benefits, refer them to services early in their claim and create a follow-up system to track the success of this program.
  - Explore and implement more efficient methods of taking initial claims through expanded use of technology, process redesign and telecommunications.
  - Implement a comprehensive automation plan which will address Benefit Automated Rewrite (BeAR) problems identified in three 1993 studies which will improve the efficiency, reduce the number of system "bugs" and significantly reduce the backlog in benefits automation projects.
  - Conduct focus groups with claimants and employers on benefit charging issues and implement ideas.
  - Review and develop new policies using the Unemployment Insurance /Job Service Committee. Policies for discussion include: streamlining employer responses to separation statements, defining job attached criteria to eliminate disincentives to returning to work and streamlining the approved training process.
- To collect unemployment insurance taxes from Montana employers with covered employment.
  - Exceed Federal DLA's (Desired Levels of Achievement) in determining employer liability, securing delinquent reports and contributions, collecting taxes, and conducting employer audits.
  - Achieve the newly enacted Federal Revenue Quality Control (RQC) program review standards and implement recommendations in the RQC review that will improve operations.
  - Decrease the employer accounts receivable balance each year through aggressive receivables management.
  - Make the new automated tax computer system completely operational and fully train all staff on the system.



- Implement phase II of electronic report filing to improve efficiencies and to allow paperless report filing and electronic payment of taxes by employers.
- Begin implementing recommendations from the Department of Labor and Industry and Department of Revenue Partnership Task Force.
- Explore options for applying "imaging" technology in processing of employer correspondence and quarterly reports to improve efficiencies.
- To maximize the use of federal and state labor market information.
  - Disseminate timely information to users of labor market information.
  - Help reduce the frictional unemployment in the labor market by closing the gap between job openings and applicants.
  - Impact curriculum development in the schools, job training, and dislocated worker programs.
  - Continue to improve labor market information for users.

#### **EMPLOYMENT RELATIONS DIVISION AUTHORIZATION**

39-71-203, MCA	Department Authority
39-1-102, MCA	Department Authority
39-3-201 to 306, MCA	Wage Payment & Collection Act
39-3-401 to 409, MCA	Minimum Wage & Overtime Compensation
39-3-606, MCA	Power To Discharge Surety
39-71-501 to 519, MCA	Uninsured Employers Fund
39-71-901 to 913, MCA	Subsequent Injury Fund
39-73-101 to 111, MCA	Silicosis Program
2-15-1705, MCA	Board of Personnel Appeals
39-31-101 to 409, MCA	
50-71-101, MCA	Montana Safety Act
50-72-101, MCA	Metallic/Nonmetallic Safety Law
50-73-101, MCA	Montana Coal Mining Code
50-74-101, MCA	Boiler Inspection And Licensing Law
50-76-101, MCA	Hoisting And Crane Operators Licensing Law
37-72-101, MCA	Construction Blasting Law
18-2-402, MCA	Prevailing Wage Rate Law
39-71-1501, MCA	Montana Safety Culture Act

#### **GOALS AND OBJECTIVES:**

- To enforce compliance with Montana's Workers' Compensation regulations and laws.
  - In concert with medical providers, establish a consensus medical fee schedule.
  - Mediate anticipated 10% increase over FY 92 workers' compensation cases within statutory time limits.
  - Monitor policy compliance for all insurance carriers each year.
  - Increase the ratio between assessment and penalty collections by 10% each year.
- To assure compliance with state and federal laws in the area of working hours and wages.

- Increase to 75% wage claim determinations that are completed within the 55 day state performance standard.
- Increase the decision-making authority of compliance officers to handle and settle issues at the earliest point of contact.
- Educate employers and employees as to their rights and responsibilities under minimum wage, overtime, and wage payment laws.
- To offer incentives for employers to hire vocational handicapped workers.
  - Increase the usage of the Subsequent Injury Fund by 10% each year through the education of employers regarding the advantages of the fund as a resource.
- To furnish third-party neutral labor relations to labor-management disputants.
  - Explore the feasibility and need for establishing a fee-based labor relations activity.
- To eliminate accidents and injuries in Montana's work places and provide safety and training.
  - Inspect and provide safety consultations at 1,200 public employer work-sites annually.
  - Conduct annual safety and health workshops to increase safety awareness in the work place.
  - Conduct on-site industrial safety and health consultations annually for targeted private sector employers.

## LEGAL SERVICES DIVISION AUTHORIZATION:

### Federal

40 USC Sec. 276a, et seq.	Federal Davis-Bacon Act
40 USC Sec. 351, et seq.	Service Contract Act
29 USC Sec. 201, et seq.	Fair Labor Standards Act
29 USC Sec. 259, et seq.	Portal to Portal Act
29 USC Sec. 1001, et seq.	Employee Retirement Income Security Act (ERISA)
11 USC Sec. 1001, et seq.	Federal Bankruptcy Code
29 USC Sec. 151, et seq.	National Labor Relations Act
29 USC Sec. 141, et seq.	Labor Management Relations Act; Federal EEO Acts; Civil Rights Act; and Federal Unemployment Insurance
29 USC Sec. 49, et seq.	Wagner-Peyser Act (Federal Employment Service)
29 USC Sec. 1501, et seq.	Job Training Partnership Act <u>State</u>
Title 39, MCA	Montana's Labor Laws
39-2-101, MCA	Employment & Labor Laws
39-3-101, MCA	Wage and Hour Laws
39-3-401, MCA	Minimum Wage and Overtime Act
39-3-601, MCA	Restaurant, Bar and Tavern Act
39-31-101, MCA	Collective Bargaining for Public Employees
39-51-101, MCA	Unemployment Insurance Laws
39-71-101, MCA	Workers' Compensation Laws
39-72-101, MCA	Occupational Disease Act

50-71-101, MCA	Montana Safety Act
50-72-101, MCA	Metallic/Nonmetallic Safety Act
50-73-101, MCA	Montana Coal Mining Act
50-74-101, MCA	Boiler Inspection & Licensing Act
50-76-101, MCA	Hoisting & Crane Operators
37-72-101, MCA	Construction Blasting Act
18-2-401, MCA	Montana's Little Davis-Bacon Act

#### **GOALS AND OBJECTIVES:**

- To provide qualitative legal counsel to all divisions within the Department.
- Objectives:
- Assign cases within 5 days of receipt to Department's attorneys.
  - Issue legal opinions within 30 days of receipt.
  - File answers or responses to complaints or petitions for judicial review within 40 days of receipt.
  - Provide each staff attorney with 15 hours of continuing legal education training.
  - To settle and/or determine disputes through an impartial hearing process.
  - Assign hearing requests within 5 days to the appropriate hearing officer.
  - While maintaining due process, issue timely unemployment insurance benefit decisions. As a standard, 60% within 30 days and 80% within 45 days.
  - Issue unemployment insurance tax and classification appeal decisions within 90 working days of submission.
  - Issue workers' compensation rehabilitation final order within 20 days of hearing.

#### **HUMAN RIGHTS COMMISSION AUTHORIZATION:**

Section 2-15-1706, MCA	Establishes HRC
Title 49, Chapter 2, MCA	Montana Human Rights Act
Title 49, Chapter 3, MCA	Code Of Fair Practices
42 USC § 2000e-5(b)	Title VII, Civil Rights Act Of 1964, As Amended
42 USC §§ 3610(f) and 3616	Federal Fair Housing Act

#### **GOALS AND OBJECTIVES:**

- To eliminate discrimination as defined by state and federal laws.
  - Adjudicate and resolve complaints at the lowest possible level.
- Promote voluntary compliance with the discrimination laws.
- Provide technical assistance to employers and landlords.

#### **WORKERS' COMPENSATION COURT PROGRAM AUTHORIZATION:**

2-5-1707, MCA	Office Of Workers' Compensation Judge
39-71-101, MCA	Workers' Compensation Act
39-72-101, MCA	Occupational Disease Act



**GOALS AND OBJECTIVES:**

- Issue concise, accurate, consistent, well reasoned and researched decisions, which will result in a decrease in the need for litigation, and in turn reduce the costs to all parties and to the court.
- Increase the use of bench rulings, thus expediting decisions and decreasing the costs to all parties.
- Encourage the use of settlement conferences to settle and narrow issues.
- Modify and apply the rules of the court to insure fair, prompt and consistent treatment of all those who appear before the court.
- Educate the court staff in the use of the computer programs being designed to track cases to expedite and simplify filing and record keeping.
- Create a courteous and fair atmosphere for litigation.
- Provide a full and fair opportunity for hearing to all parties appearing before the court.

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**Department of Military Affairs**

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**OPERATIONS SUPPORT AUTHORIZATION:**

Article 1, Section 8 of The U.S.  
Constitution

Article VI, Section 13 of the Montana  
Constitution

Militia

2-15-1201, 1204, and  
1205, MCA.

Establishes Department of Military Affairs, defines the qualifications of the Adjutant General and Assistant Adjutant Generals, and establishes the Board of Veterans' Affairs.

Title 10, MCA.

Defines the powers and duties of the Department of Military Affairs.

**GOALS AND OBJECTIVES:**

READINESS: Manage, coordinate and direct resources of the department to insure preparedness level of the Air and Army Montana National Guard and Disaster and Emergency Services to perform the required missions at the federal and state level. (1 - US/MT)

- To provide operational support in the areas of accounting, budgeting, contracting, purchasing, inventory control and personnel from the state perspective to augment the goals and missions of the Air and Army Guard, Disaster and Emergency Services and Veterans Affairs so these programs can focus on readiness and customer service. (1)
- To aggressively pursue procedures and policies to insure that functions are performed in accordance with federal contracts and state law. (2)
- To foster effective communication with the federal side of the department for better understanding and effectiveness in providing services to the users. (3)

CIVIL EMERGENCIES: Provide a highly trained community-based capability that responds to the needs of civil authorities in natural and man-made disasters. (1 - US/MT)

- Provide trained personnel for administrative support required when an emergency or disaster is declared by the Governor or president. (1)
- Coordinate efforts between Guard personnel and the state to insure efficiency and effectiveness from the support area. (2)
- Provide communications with OBPP on spending authority and personnel needs relating to the emergency. (3)

EQUAL OPPORTUNITY: Guarantee each man and woman equal opportunity for entry and advancement in the department in an environment free from discrimination, bias and sexual harassment. (1 - US/MT)

- To sustain Equal Employment within the department through departmental policies and procedures

- beginning with recruitment and selection all the way through performance appraisal. (1)
- Promote adequate training for all employees at all levels of responsibility. (3)
- Aggressively enforce the department's Affirmative Action Plan. (1)

ENVIRONMENT: Aggressively pursue a cleaner environment through identifying and correcting deficiencies and by developing environmental protection measures. (1 - US/MT)

- Provide support for the Environmental Program, initiated last year, in the areas of accounting, budgeting, personnel, purchasing and contracting. Assist in coordinating the federal and state requirements in these areas. (3)

#### ARMY NATIONAL GUARD PROGRAM AUTHORIZATION:

Article I, Section 8 U.S. Constitution, Clause 12	Army Clause
Clauses 15-16	Militia Clause
Clause 18	Necessary and Proper Clause
10 USCA 1 et. el	Armed Forces
32 USCA 1 et. el	National Guard
Article VI, Section 13 MT Constitution	Militia
Article III, Section 2 MT Constitution	
10-1-109, MCA	Allows the department to lease real property for armories or other military facilities.
2-15-1204, MCA	Establishes the Division of Disaster and Emergency Services.
10-3-101, MCA	provides for cooperation in disaster and emergency prevention, preparedness, response and recovery.
42 USC 6901, et seq.	RCRA, UST
42 USC 4321, et seq.	NEPA
75-10-401, et seq., MCA	HW Management
75-1-101, et seq., MCA	MEPA
75-11-201, et seq., MCA	UST
10-1-102, MCA	Defines the powers and duties of the department.
10-1-107, MCA	Establishes that all property issued to organizations and members of the organized militia remains public property.
10-1-108, MCA	Allows counties, cities, or towns to convey or lease property, or provide funds to build an armory.

#### GOALS AND OBJECTIVES:

##### READINESS

FEDERAL: Sustain a highly trained and ready force that meets wartime operational, logistical, and personnel standards. (1 - US, MT)

- Maintain local armories to conduct training, perform maintenance activities on equipment, and provide storage of United States military property. (1)
- Utilize local training areas (private, federal and state land) to conduct military training. (2)
- Maintain state employees to manage the existing buildings and training areas. (3)

STATE: Provide a highly trained community-based capability that responds rapidly to the needs of civil authorities in natural and man-made disasters. (1 - US, MT)

- Maintain necessary federal equipment in a constant state of readiness for use in local emergencies and disasters. (1 - US, MT)
- Devote a portion of federally funded training towards the accomplishment of state contingency missions. (2 - US, MT)
- Update, review, and exercise State Emergency Operations planning. (3 - US, MT)

ENVIRONMENTAL: To develop, implement, and oversee a comprehensive environmental compliance program for the Montana National Guard (1-US, MT).

- To provide written guidance that outlines responsibilities, policies, and procedures regarding hazardous waste/materials, field training activities, and other programs that may impact the environment. (1).
- To train and educate Guard personnel regarding environmental programs and awareness. (3)

FACILITIES: To provide the resources to plan, develop, maintain and efficiently operate the facilities required to support the readiness training and missions of the Montana National Guard.

- Sustain an effective and efficient communications system for all units of the Montana National Guard and provide emergency back-up communications system. (1)
- Provide local communities with emergency shelter in the event of natural or man made disasters. (1)
- Provide for the maintenance of existing facilities through contracted services, state employees, and federal assistance. (2)
- Conduct effective management for the heating, cooling, and lighting of existing facilities. (2)
- Preserve facilities for functional utilization in the future and to protect existing resources. (3)
- Provide local communities with support and access to buildings. (3)

#### AIR NATIONAL GUARD PROGRAM AUTHORIZATION:

Article I, Section 8 U.S. Constitution  
Clauses 15-16

Militia Clause

18

Necessary and Proper Clause

10 USCA 1 et. el

Armed Forces

32 USCA 1 et. el

National Guard

42 USA 4321, et seq.

NEPA

42 USC 6901, et seq.

RCRA, UST

Article VI, Section 13 MT Constitution.

Militia

Article III, Section 2 MT Constitution.

2-15-1204, MCA

Establishes the Division of Disaster and Emergency Services.

10-1-102, MCA

Defines the powers and duties of the department.

10-1-107, MCA

Establishes that all property issued to organizations and members of the organized militia remains public property.

10-1-108, MCA

Allows counties, cities, or towns to convey or lease property, or provide funds to build an armory.



10-1-109, MCA	Allows the department to lease real property for armories or other military facilities.
10-3-101, MCA	Provides for cooperation in disaster and emergency prevention, preparedness, response and recovery.
75-1-101, MCA	Montana Environmental Policy Act.
75-10-401, MCA	Montana Hazardous Waste and Underground Storage Tank Act.
75-11-210, MCA	Establishes that an installer must have a valid license before installing or closing an underground storage tank.

#### GOALS AND OBJECTIVES:

READINESS: Sustain a highly trained and ready force that meets wartime operational, logistical, and personnel standards. (1 - US, MT)

##### FEDERAL:

- Maintain 24-hour per day fighter aircraft alert to intercept, and, if necessary, destroy any airborne threat to the United States or allied nation. (1)
- Continually train to maintain a state of readiness to, at any time, be prepared to deploy anywhere in the world, within hours of notification, to perform the assigned air defense mission. (1)
- Maintain facilities necessary to support, protect, and maintain approximately \$600 million worth of highly sophisticated aircraft and associated support equipment to enable mission readiness and accomplishment. (1)

##### STATE:

- Devote a portion of federally funded training/missions towards the accomplishment of state missions (i.e. \$1.5 million in drug interdiction missions in federal 92). (1)
- Update, review, and exercise state emergency operations planning. (2)
- Maintain assigned federal equipment in a constant state of readiness for use in local emergencies and disasters. (1)

FACILITIES: To provide the resources to maintain and efficiently operate the facilities required to support the readiness training and missions of the Montana Air National Guard. (1- US, MT)

- Insure facilities are in a state of repair and adequately environmentally controlled to allow for two-shift maintenance of assigned equipment to insure ability to perform mission tasking. (1)
- Insure adequate crashfire and snow removal capability exists to meet established federal restrictions to enable the ability to perform flying mission. (2)
- Sustain an effective and efficient communications system. (3)

ENVIRONMENTAL: To develop, implement and oversee a comprehensive environmental compliance program for the Montana Air National Guard. (1 - US, MT)

- To provide written guidance that outlines responsibilities, policies, and procedures regarding hazardous waste/materials, field training activities, and other programs that may impact the environment. (1)
- To train and educate Guard personnel regarding environmental programs and awareness. (2)
- To obtain necessary federal funding to construct facilities, when applicable, to abate environmentally disturbing characteristics associated with; jet aircraft maintenance (i.e. construction of a "Hush-House" to eliminate jet engine noise while ground testing aircraft engines). (3)

#### DISASTER COORDINATION RESPONSE AUTHORIZATION:

Title 10, Chapter 3, MCA	DES
2-15-3308, MCA	Drought Advisory Committee
20-7-1101, MCA	Earthquake Emergency Procedures

## GOALS AND OBJECTIVES:

### Goals:

- Be responsible to the Governor for carrying out planning for disaster and emergency services of this state. (1 - US, MT)
- Enhance the ability of state and local governments to respond to catastrophic disasters occurring anywhere within the state. (1 - US, MT)
- Enhance the ability of the State of Montana to alleviate suffering and hardship caused by emergencies or major disasters declared by the Governor and/or the president. (1 - US, MT)
- Ensure sound fiscal management of federal and state funds, including federal funds given to local government jurisdictions, the Governor's Disaster Fund, and state funds programmed for individual assistance in the event of a presidentially declared disaster.(1 - US, MT)
- Optimize the contributions of federal, state and local government, industry, and private organizations for state and local preparedness. (2 - US, MT)
- Ensure the coordinated efforts of all federal, state and local agencies to plan and implement all available mitigation programs to reduce subsequent losses of life and property. (2 - US, MT)

### Objectives:

- Coordinate the preparation of the plans for disaster and emergency services with the political subdivisions of this state. (1 - US, MT)
- Direct emergency and disaster preparation and response activities as authorized by the Governor. (1 - US, MT)
- Institute training, exercise and public information programs and take all other preparatory steps, including the partial or full mobilization of disaster and emergency services organizations in advance of actual emergency or disaster, to insure the availability of adequately trained and equipped personnel in time of emergency or disaster. (1 - US, MT)
- Coordinate disaster and emergency prevention and preparation activities of all departments, agencies, and organizations within the state, and respective agencies of the federal government. (2 - US, MT)
- Advise and assist the political subdivisions of this state in executing their disaster and emergency services responsibilities. (2 - US, MT)
- Periodically review local and inter-jurisdictional plans and programs for disaster and emergency services. (2 - US, MT)
- Maintain liaison with and cooperate with disaster and emergency services agencies and organizations of the federal government, other states, and Canada, in achieving and implementing maximum preparation, response, recovery, and mitigation capabilities. (3 - US, MT)
- Serve on special action boards, committees, work groups as directed by the Governor or his/her authorized representative. (3-MT)
- Prepare, for issuance by the Governor, executive orders or proclamations as necessary or appropriate in coping with emergencies and disasters. (3-MT)
- Develop and assist in the development of mutual aid plans and agreements between the federal government, other states, and Canada and among the political subdivisions of this state. (3 - US, MT)
- Plan and make arrangements for the availability and use of any private facilities, services, and property and, if necessary, provide for payment for use under terms and conditions agreed upon. (3 - US, MT)
- Have any additional authority, duties, and responsibilities as prescribed by the Governor to alleviate suffering, hardship, and property damage caused by emergencies or disasters. (3-MT)

## VETERANS AFFAIRS PROGRAM AUTHORIZATIONS:

Title 38 U.S.C.

2-15-1205 MCA

Board of Veterans' Affairs created.

10-2-101 MCA

Board of Veterans' Affairs definitions.

10-2-102 MCA

Duty of board - employee qualifications.

10-2-601 MCA

State veterans' cemetery.

## GOALS AND OBJECTIVES

Goal: To enable every eligible veteran or veteran's family to receive their vested veterans' benefits. (1) US MT

Objectives: Provide professional customer service capable and willing to respond to all veteran administrative benefit needs. (1)

- Maximize the number and dollars of Veteran entitlement in Montana. (2)
- To make every veteran and veteran's family knowledgeable about all entitlements and where to go to receive veterans benefits support. (3)

Goal: To reduce the number of veterans on general assistance by replacing that assistance with veterans benefits. (2) - U.S. MT

Objective -Replace all Veterans General Assistance Aid with Veterans Benefits. (2)

## CEMETERY

Goal: Maintain the cemetery grounds so they reflect the respect for the Veterans who have served this country. (3) MT

Objectives: Plan for and utilize the necessary resources to maintain the cemetery in the best condition possible. (3)

- Maximize revenue from the sale of Veterans License Plates for support to the Veterans' Cemetery at Fort Harrison. (2)

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## Department of Social & Rehabilitation Services

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### GOALS AND OBJECTIVES:

- Family Assistance Division:

"Excellence through Innovation".

- Restructure the current welfare system to one which promotes participant self-sufficiency and responsibility.
- Provide a safety net for those unable to be gainfully employed due to disability or age.
- Refocus delivery of human services through streamlining management and encouraging decision-making at the "closest" point to the consumer.
- Promote community involvement in the design and delivery of services, while ensuring eligibility is administered uniformly throughout the state.
- Make creative use of limited state and local dollars through leveraging federal matching funds.
- Support community efforts to prevent long-term impacts of poverty.

- Director's Office:

- Provide overall policy direction, legal services and personnel support to the Department divisions.

- Child Support Enforcement Division:

To diligently pursue and ultimately achieve financial support of children by establishing, enforcing and increasing public awareness of parental obligations.

- Establish paternity of children.



- Establish orders for financial and medical support of children.
- Enforce child support orders.
- Develop and promulgate guidelines for calculating child support.
- Review and adjust child support orders.
- Provide an opportunity to parents for due process of law.
- Distribute monies collected timely and accurately.

- Medicaid Division:

To assure that necessary medical care is available to all eligible low income Montanans. In order to fulfill its mission, the Division must:

- Promote the maintenance of good health by program recipients.
- Assure that recipients have access to necessary medical care.
- Assure that quality of care meets acceptable standards.
- Promote the appropriate use of services by recipients.
- Assure that services are reimbursed quickly and accurately.
- Assure that services are purchased in a cost-effective manner.
- Assure that services are rendered in the least restrictive setting.
- Minimize agency rules and regulations so that services are provided in the simplest, most efficient manner possible.
- Assure the accounting, budgeting and reporting of Medicaid financial information is reliable and available to management, staff and other users on a timely basis.
- Assure that all available client resources are fully utilized prior to Medicaid expenditures.

- Telecommunication Devices for the Deaf:

- Provide telecommunication devices to the hard-of-hearing, deaf and speech impaired.
- Provide training on equipment use and provide ongoing equipment maintenance with outreach service repair.
- Maintain applicant files for State of Montana on variety of telecommunication equipment.
- Provide educational and outreach for all Montanans on use of Relay Services.
- Promote community integration of Montanans with hearing disabilities through education and outreach on use of Relay Services.

- Operations and Technology Division:

- Oversight of the state's largest computer systems, TEAMS and SEARCHS, which provide statewide on-line processing of eligibility determination and the issuance of benefits, and child support and collections and issuance to obligees.
- Provision of comprehensive technical Statewide Budgeting Systems support to the Department.
- Performance of the fiscal services for the Department, including entering accounting transactions, payroll processing, revenue collection, cash management, federal reporting, benefit distribution and cost allocation.
- Provide Information Systems design, development and support of microcomputer applications for the entire Department and the coordination of contracts to accomplish goals in a timely and cost-effective manner.
- Maintain voice and data information processing systems for the Department, including support of microcomputers, local area networks and office locations.
- Provide audit, quality control, fraud and abuse, fair hearings, internal support and recovery functions in order to ensure the integrity of the operations of the programs administered by the Department.

- Rehabilitative Services Division:

- Promote work and independence for Montanans with disabilities.
- Administer the State/Federal Vocational Rehabilitation partnership.
- Provide a variety of services to Montanans with disabilities to assist them in entering or maintaining gainful employment.
- Provide supported employment opportunities for those Montanans with the most severe disabilities.
- Provide independent living services to severely disabled Montanans to promote independence in home, family and community.

- Disability Determination Bureau:

- Administer disability determinations for Montanans applying for Social Security Disability Insurance and/or Supplemental Security Income.

- Visual Services Division:
  - Promote work and independence for Montanans who are blind or visually impaired.
  - Administer the State/Federal Vocational Rehabilitation partnership.
  - Provide a variety of services to assist blind and severely visually impaired Montanans enter and maintain gainful employment.
  - Provide orientation and mobility and rehabilitation teaching services to blind and visually impaired Montanans to promote independent in home, family and community.
- Developmental Disabilities Division:
  - Enable individuals to exercise an increasing amount of control and choice in their lives, services and support.
  - Provide the opportunity for individuals to learn skills and responsibilities that will maximize their ongoing personal growth and development.
  - Employ meaningful individualized planning and follow-up that ensures quality service, necessary support, and active individual and community participation.
  - Increase the knowledge, skills and abilities of everyone whose actions impact the lives of people who are, or are at risk of becoming, developmentally disabled.
  - Promote responsibility, accountability and interdependence in all service system players, fostering a system that is dynamic, responsible and encourages creativity.
  - Promote and utilize broad public participation in the design, development and provision of services and other support opportunities.
  - Utilize a broad-based evaluation system that provides monitoring and assessment of the services and promotes a healthy and safe environment.
- Developmental Disabilities Planning Advisory Council (DDPAC):
  - Assure opportunities for a good life with choices for each Montanan who is at risk of having or who has a developmental disability.
  - Advise state agencies, the legislature, other agencies, councils, local government and private organizations regarding the implementation of both state and federal statutes concerning programs for services for persons with developmental disabilities.
  - Establish guidelines for the allocation of and to allocate the federal formula grant for statewide or regional programs establishing new and innovative programs and services for persons with developmental disabilities.
  - Develop, monitor and evaluate the implementation of an annual comprehensive plan for a statewide system of community-based services for persons with developmental disabilities.
  - Improve the coordination and administration of programs serving persons with developmental disabilities.

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## Department of Family Services

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### AUTHORIZATION

2-15-2401, MCA	Provides for the Department of Family Services.
52-1-101, MCA	Defines the department's purpose.
52-2-111 et. seq., MCA	Powers and duties of the department specifically to provide programs to prevent child abuse.

### PROTECTIVE SERVICES FOR CHILDREN AND ADULTS

Title 41, Chapter 3, MCA	Child Abuse, Neglect and Dependency statute which charges DFS with the primary responsibility of providing child protective services and outlines the legal procedures DFS must follow to obtain the court's sanction of its activities. This chapter also authorizes DFS to issue conditions for and licenses to youth care facilities.
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41-4-101 et. seq., MCA	Interstate Placement of Children states that Montana will cooperate with other states in interstate placements.
52-2-111 et. seq., MCA	Charges DFS with the responsibility for strengthening child welfare services, enforcing all laws pertaining to children, supervising the importation and exportation of children.
52-3-301 et. seq., MCA	DFS may obtain, license and supervise adult foster family care homes.
53-20-301 et. seq., MCA	DFS shall adopt standards and rules concerning the administration, operation, health and safety of community homes for the developmentally disabled.
Section 53-4-301 through 53-4-311, MCA	The Subsidized Adoption Act of 1977 authorizes the department to establish, administer and regulate a continuing program of subsidized adoption.
P.L. 96-272	Adoption and Child Welfare Act of 1980 outlines major safeguards and protection required for children in foster care.
Sections 472, 474 (a), 475 (1), and 477 of Title IV-E of the Social Security Act; 45 CFR Part 92, ACYF-PI-90-16, issued January 12, 1990; ACYF-PI-90-16, issued October 2, 1990.	The IV-E Independent Living Program was re-authorized by the Federal Budget Reconciliation Act passed by Congress in 1989.
Title IV-E: Social Security Act	Outlines federal requirements for the use of federal IV-E funds for foster care services.
42 U.S.C. 5101 et. seq., 45 CFR part 1340	Child Abuse Treatment and Prevention Act sets forth a "model act" for states to follow in providing for the protection of abused and neglected children.
25 USC 1901 et. seq. Indian Child Welfare Act:	Provides for procedures DFS must follow in state court for child abuse, neglect and dependency cases involving Native American children.
42 USC 5101 et. seq.; P.L. 100-294, as amended by 102-295	Authorizes grant funds to states to improve prosecution in child abuse cases while reducing trauma to the child victim.
The Victims of Crime Act of 1984, as amended, ACYF-PI-92-08	Allows distribution of funds to states for purposes of improving child abuse prosecution and related issues.
42 USC 470 et. seq.	Federal Payments for Foster Care and Adoptive Assistance enables each state to provide foster care and adoptive assistance for children.
P.L. 93-66 Sections 212 and PL 93-233: Amendments to federal Social Security Act	Authorizes states to supplement the Supplemental Security Income (SSI) payments program.



52-1-104, MCA	Department authorized to provide and set standards for supplementary payments. Authorizes DFS to set standards for and make payments to eligible persons who are recipients of SSI.
Title IV-E and Title IV-B of Social Security Act (PL. 96-272)	Federal payments for foster care enables states to provide foster care payments for children.
53-6-101 et. seq., MCA; 42 USC 1396d.	The Montana Medicaid program is authorized to make payment for inpatient psychiatric services in a residential treatment facility.
41-3-1103, MCA	Powers and duties of the department regarding youth residential services gives the department the authority to enter into contracts to provide services for youth in need of care, youth in need of supervision and delinquent youth.

## FAMILY AND COMMUNITY SUPPORT SERVICES

Title IV-B of the Social Security Act, Subpart 2. Omnibus Budget Reconciliation Act of 1993.	Develops plan for Family Preservation and Support Services.
52-2-701 et. seq, MCA	The Montana Child Care Act of 1989 designates the department as the lead state agency in day care issues and establishes a Governor's Child Care Advisory Council. The Act authorizes the department to accept federal funds to improve or promote child care services, implement licensing/registration standards, make payments for day care, and establish a child care resource and referral grant program for R&R services to local communities.
52-2-721, MCA	States that no person, group or corporation shall establish or maintain a day care center for children unless licensed by DFS.
P.L. 98-558; Federal Register, Volume 51, #81:	The HHS Reauthorization Act of 1984 authorizes the allocation of funds to states based on population to meet the goals of the Dependent Care grant.
Child Care and Development Block Grant of 1990 ; 45 CFR, Parts 98 and 99; Federal Register, Volume 57, #150 (8/4/92, final rules)	Authorizes the allocation of funds to states based on population to increase the availability, affordability and quality of child care by means of grants and contracts within the state.
52-6-101 et. seq., MCA	Establishes battered spouses grant programs within the department for the allocation of federal grant money to local battered spouses (domestic violence) programs.
Federal Register vol. 57 No. 32, (Feb. 18, 1992):	Family Violence Prevention and Services
Notice of the availability of FY 1992 funds for state and Indian Tribal grants for family violence prevention and services.	

The Family Violence Prevention and Services Act, Title III of Pub. L. 98-457, as re-authorized and amended by Pub. L. 102-295, Title III of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992.

P.L. 96-212, The Refugee Act of 1980, with 1982 and 1986 amendments. CFR Title 45, Part 400, Refugee Resettlement Program

An act to amend the Immigration and Nationality Act for the admission of refugees and provide uniform basis for the provision of services to refugees.

## **AGING SERVICES**

52-3-201 et. seq., MCA

Protection Services Act for Aged Persons or Disabled Adults. The department is responsible for acting on requests for protective services for these two populations.

52-3-501 et. seq., MCA

Montana Older Americans Act creates the designation of Area Agencies and the State Office on Aging, development of State Plan on Aging, Ombudsman Services, etc.

52-3-801 et. seq., MCA

Montana Elder and Developmentally Disabled Abuse Prevention Act, mandates that DFS shall investigate reports of abuse, neglect or exploitation of these populations and, where appropriate, provide protective services.

P.L. 89-75:

Federal Older Americans Act calls for a State Agency on Aging and for the development of a State Plan on Aging.

P.L. 99 - 272 (COBRA)  
Sections SS 1915 (g) (1)  
and (g) (2)

Amendments to the Social Security Act.

## **JUVENILE CORRECTIONS**

41-5-102, MCA Montana Youth Court Act

Provides for payment by the department for services for delinquent youth. A purpose of the act is to remove the element of retribution when dealing with youth committing violations of law by substituting a program of supervision, care, rehabilitation or possibly restitution.

41-3-1101, and  
41-3-1103, MCA

Establishes a system of substitute care for youth.

41-3-1104, MCA

Authorizes the department to establish, maintain and administer aftercare programs and facilities for the care, custody and treatment of youth who have been committed to the department.

52-1-105, MCA

Identifies the institutions that are a part of the Department of Family Services.

52-5-101, MCA

Allows Department of Family Services to establish, maintain and operate youth correctional facilities.

52-5-102, MCA

Provides for establishment of standards of care, etc. and provides special programs within each facility adaptable to the particular needs of its operation.

52-5-103, MCA	Allows the department to contract with Indian tribes within the state of Montana to serve their youth.
52-5-106, MCA	Requires Mountain View School to provide its students with the academic and vocational training taught in the public schools and to conform to standards set by the Board of Public Education.
52-5-126 through 52-5-129, MCA	States that youth released by DFS from a youth correctional facility and remaining within the supervision, custody and control of the department shall sign an aftercare agreement specifying the terms and conditions of his/her release.

## **CITIZEN PARTICIPATION**

### **State Family Services Advisory Council**

52-1-202, MCA	Provides for the composition, terms, and goals of the state council.
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### **Local Family Services Advisory Councils**

52-1-203, MCA	Provides for the composition and establishment of local advisory councils.
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### **Child Care Advisory Council**

52-2-705, MCA	Provides for the composition, terms, and goals of the Child Care Advisory Council.
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### **Governor's Advisory Council on Aging**

2-15-231, MCA	Provides for the composition, terms, and goals of the Governor's Council on Aging.
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### **Children's Trust Fund**

41-3-701 et. seq., MCA	Establishes the existence of the trust fund and sets forth its powers and duties.
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P.L. 100-294, as amended by 101-126	Provides for the distribution of certain funds to states that have established trust funds and raises money for said trusts to prevent child abuse and neglect.
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The Department of Family Services (DFS) provides services and leadership so that Montanans of all ages can live in dignity, free from risk of harm. In a collaborative effort with other human service agencies, the department is developing a continuum of care that reduces the need for out-of-home placements through comprehensive, community-based services that treat and protect children, troubled youth, and the elderly, while supporting families within their communities. The department aims to make these improvements in the lives of families through a variety of programs and services.

The department's state office was reorganized in June 1993 to improve the flow of information and assistance throughout the entire department. The department operates through three centralized divisions and a regional administration structure.

## **GOALS AND OBJECTIVES**

### **Protective Services for Children and Adults**

- To protect children and adults by supporting family and community strengths.



#### Protection/Intervention

- Respond within the appropriate time frame to all reports of abuse, neglect or exploitation of children and the elderly.
- Reunite the child with his or her family as soon as a treatment plan has been successfully completed or, if treatment is not effective, carry out another permanent plan for the child.
- Increase the amount of federal funding and parental contributions to pay for out-of-home placements.
- Focus greater emphasis on long-term planning by providing life-long families for children and independent, safe environments for adults.
- Ensure that children and youth are placed in the most appropriate, least restrictive setting as possible.
- Provide permanent, adoptive homes to children unable to return to the homes of their birth parents.
- Prevent mistreatment or neglect of dependent, aged or handicapped persons through mandating a level of care which meets those groups' needs by inspecting and licensing day care, developmentally disabled community homes, foster homes and youth care facilities.
- Meet the requirements of the Interstate Compact on the Placement of Children.

#### Family and Community Support

- Develop a continuum of services in partnership with community organizations that will increase the capacities of at-risk families to nurture their children in healthy environments by providing parents with the knowledge, skills and support they need to do so.
- Increasingly shift the focus of service delivery toward serving family units holistically with family preservation as the primary goal of service, while protecting the best interests of children and adults.
- Assist Montana communities in developing effective prevention programs.
- Promote community awareness of the need for family preservation services through public relations efforts, utilizing staff and state and local advisory councils.
- Develop and implement Children's Services Reform and Refinancing Project to increase funding available to the system of community and family support services and reorient children's services toward family preservation and family support.
- Coordinate day care programs and establish licensing standards within the state in order to maximize the use of federal and state child care funds in serving Montana families.
- Expand role in protecting persons from domestic violence through continued services and special projects.
- Provide social services and case management services that assist refugees in effectively resettling in Montana communities.

#### Treatment Services

- Explore and develop innovative and cost-effective treatment resources.
- Work cooperatively with other agencies to reduce the use of in-patient psychiatric care and increase and improve the system of community-based services, in an affordable manner, to children and youth with serious emotional disturbances.
- Continue to support communities in their efforts to develop and increase availability of intermediate and community-based treatment services.
- As resources will allow, continue to create, expand and fund family-based, preservation services through Medicaid and a variety of other funding sources.
- Treat indigent youth, adjudicated by youth court, who have chemical related dependencies of a nature that require residential settings for treatment.

#### Aging Services

- Increase awareness of abuse, neglect, and exploitation of vulnerable, elderly citizens and develop specific activities to prevent elder abuse.
- Assist area agencies on aging to provide services and advocacy for their elders across all topics that may effect them.
- Ensure older Montanans are represented in the Health Care for Montanans planning process.
- Further develop the Information and Referral Network.
- Increase accessibility of state and local ombudsman services to consumers.
- Ensure that older Montanans have access to legal information and representation when such assistance is needed.
- Continue to plan and implement an Eldercare Volunteer Corps.
- Ensure equality of opportunity, full participation, independent living, and economic self-sufficiency for older individuals in Montana.

#### Juvenile Corrections

Balance the state's use of secure care facilities for delinquent youth with strengthening community-based correctional services that are in the best interest of the community and its youth.

- Ensure that all components of the juvenile justice system are working cooperatively on the state and local level.
- Include provisions for the entire spectrum of youth in the corrections system from "at-risk" youth to adjudicated offenders in plans for development of the community corrections system.
- Continue to support and develop an appropriate training curriculum that will enhance the skills and abilities of staff to implement changing policies and service provisions of the department.

#### Mountain View/Pine Hills Schools

- Provide a safe living environment for committed youth.
- Provide quality evaluations reflecting meaningful and valid clinical findings with suggested interventions to Montana youth courts.
- Provide a good, basic education for committed youth, including an individualized education program.
- Establish individual clinical treatment plans for committed youth, including their placement back into the community.
- Provide committed youth with a medical/dental program that will promote a healthy lifestyle, while addressing their immediate health needs.
- Provide a helpful, stable and stimulating environment conducive to and in conjunction with the rehabilitation process.
- Maintain support programs, i.e. business office, secretarial, recreation, food service, maintenance, and security to efficiently run the institutions.

#### Youth Evaluation

- Provide transition programming for appropriate youth being released from state correctional facilities.
- Provide evaluation reports to Montana youth courts for referred youth.
- Provide short-term care (not to exceed 90 days) for appropriate youth directly referred from youth court.

#### Aftercare

- Supervise all community-based programs designed to respond to the needs of youth being transitioned out of correctional facilities.
- Develop community-based programs reacting to needs of youth who have been adjudicated delinquent.
- Provide first-level supervision for all state and contract-funded corrections programs based in local communities.
- Ensure that youth transitioning out of state correctional facilities are receiving adequate community-based services.
- Develop family therapy interventions for parents of youth incarcerated in correctional facilities.

#### Management Support Services

Provide administrative support to department staff to ensure the effective and efficient delivery of services required by the department's mission and legal mandates.

- Ensure prompt and accurate processing of payments to foster care and other service providers, and ensure that payments are processed according to state and federal regulations.
- Provide timely, accurate accounting and administrative information to assist DFS staff in monitoring budgets and to provide reliable information about department activities.
- Furnish current computer technology, develop effective information systems and provide other related services to enable DFS staff to use their time more efficiently.

#### Citizen Participation

##### State Family Services Advisory Council

In an effort to develop community-based programs and shift policy-making decisions to the local level, the department works with the state council and seven local family service advisory councils representing communities throughout Montana.

##### Children's Trust Fund

Reduce the incidence of child abuse and neglect through the development of child abuse and neglect prevention programs of various types in communities across Montana.

##### Governor's Advisory Council on Aging

Appointed by the Governor, the council advises the Coordinator of Aging on planning, coordination, and operation of programs within state government that affect Montana senior citizens.

##### Child Care Advisory Council

The council works with the department in developing a state child care plan and advises the department on child care issues.

##### Federal Program Administration by the Department

To maximize the department's utilization of federal funds

- Children's Justice Act
- Basic State Grant for Child Abuse and Neglect (CA/N)
- Baby Doe/Infant Medical Neglect Grant

- Child Care and Development Block Grant
- Dependent Care Grant
- At-Risk Child Care Grant
- Family Support and Preservation Grant
- IV-B and IV-E funds; IV-A Emergency Assistance Funds
- Older Americans Act
- Family Violence Prevention and Services Program (Domestic Violence Grant)
- Refugee Social Services Grant
- Refugee Job Links Grant
- Independent Living Grant



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